



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 4343 OF 2025 IN
WRIT PETITION NO. 2567 OF 2025**

1] Gajendra Shankarrao Kendre
2] Dinesh Bakaram Tidake
3] Vijaykumar Mahadev Katke .. Applicants

Versus

The State of Maharashtra
Through Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32 and others .. Respondent

...
Senior Advocate for the applicants : Mr. S.B. Deshpande i/by
Mr. Shreyas S. Deshpande
AGP for the respondent – State : Ms. P.J. Bharad
Advocate for petitioner in WP : Mr. C.R. Thorat
...

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRADE, JJ.**

DATE : 25 APRIL 2025

ORDER (MANGESH S. PATIL, J.) :

Heard the learned advocate for the applicants and perused the papers. We have also heard Mrs. Bharad, learned AGP as also the learned advocate Mr. Thorat.

2. This is a peculiar matter wherein, the members of the Scheduled Tribe Certificate Scrutiny Committee (**Scrutiny Committee**), Kinwat Division, Chhatrapati Sambhajinagar have moved

this application in the backdrop of the circumstances as we would discuss hereinafter.

3. Respondent no. 3 in this application, namely, Sakshi had filed a claim with the scrutiny committee, Kinwat for verification of her Mannernvarlu scheduled tribe certificate and a proceeding under section 7 of the Maharashtra Act No. XXIII of 2001 was being undertaken. Since she was studying in 12th standard and was preparing for NEET – 2025, she had requested the scrutiny committee to expedite her matter for early decision to enable her to pursue the professional course. Having failed to persuade the scrutiny committee, she filed writ petition no. 2567 of 2025 soliciting a writ of *mandamus* against the scrutiny committee, which was arrayed therein as respondent no. 2, to decide the proposal within six weeks.

4. It was specifically averred and pointed out by Sakshi in the petition that her cousin uncle Shankar was issued with certificate of validity way back in the year 2006. Her cousin Mayuri Madhav Alewad and uncle of the petitioner Madhav Ganesh Alewad had faced invalidity but in their writ petitions no. 8803 of 2019 and 8804 of 2019, respectively, decided on 19.07.2019, they were directed to be issued with certificates of validity. Similarly, her cousins Ashwini, Sachin, Shubham who had also faced invalidation could get the orders of this

Court in their respective writ petitions, whereby even they were directed to be issued with certificates of validity.

5. Apart from above state-of-affairs, Sakshi had also averred that her real brother was also awaiting decision of his similar claim. A vigilance enquiry was conducted in his matter and his claim was being heard by the scrutiny committee on 07.08.2024. Since Manoj was her real brother, she requested the scrutiny committee to take up her proposal together with that of his, for simultaneous adjudication. However, the scrutiny committee refused the request and decided Manoj's matter by passing order of invalidation on 21.11.2024 which was challenged by him separately before this Court.

6. When the petition filed by Sakshi came up before this Court on 25.02.2025, the submissions of her learned advocate, on the afore-mentioned lines were noted and we directed the scrutiny committee to decide her proposal within four weeks. Simultaneously, we called upon the members of the scrutiny committee to show cause as to why cognizance of their lapse in refusing to decide Sakshi's proposal, should not be taken for directing a disciplinary enquiry to be initiated. In response, the senior research officer of the scrutiny committee Mr. Gajendra Kendre alone filed an affidavit.

7. We, thereafter heard the learned advocate for the petitioner as also the learned AGP and on 25.03.2025 passed following order :-

"1. Pursuant to the directions on the last date, the Senior Research Officer of the respondent/scrutiny committee has sworn an affidavit which is tendered across the bar by the learned AGP.

2. We have heard both the sides. To repeat, petitioner no.1's real brother Manoj was awaiting decision of the scrutiny committee on his proposal for verification of the tribe certificate. The petitioner's similar claim was also awaiting adjudication. For the reasons best known to the committee it rejected her request for deciding her claim simultaneously with brother Manoj's claim. The committee had proceeded to decide his claim alone keeping back the petitioner's claim for which she has preferred this petition.

3. In the affidavit filed by Gajendra Shankarrao Kendre, Senior Research Officer of the respondent/scrutiny committee he admits the fact that both the proposals were pending before the committee, a request was made by the petitioner for deciding her claim with that of Manoj's claim but the request was rejected and the committee had proceeded to decide Manoj's claim. The only reason assigned in paragraph 3 for rejection of the petitioner's request is that the committee had come to the conclusion that a re-verification was needed to be done. The statement is vague and does not indicate as to what was to be re-verified. The copy of roznama annexed with the affidavit does not refer to any re-verification. Rather it mentions that the request was rejected since the committee was of the view that a separate vigilance inquiry in petitioner's matter was needed, again, without assigning any reason as to why vigilance conducted in the matter of Manoj could not have been pressed into service when it was a matter of claims of siblings.

4. Interestingly, this roznama in the last line mentions that the arguments were heard and the claim was closed for passing final order. This roznama does not mention day. It only mentions month and year ' /8/2024'. It is being informed by the learned AGP, petitioner's proposal has been finally decided on 12.03.2025. If really the committee had decided to undertake a fresh vigilance inquiry, one cannot comprehend as to how in the last sentence the

committee could have mentioned about the arguments having been heard and the proposal having been closed for passing final order. In the affidavit it has been mentioned that petitioner's application was rejected since the committee was of the view that the re-verification was needed but that reason does not find place in the roznama dated /8/2024'.

5. *All these circumstances makes it abundantly clear that it is a matter of hushing up the things and making an attempt to push everything under the carpet.*

6. *We are not satisfied with the affidavit in reply. It is an attempt to mislead the Court. As we had indicated earlier, we had solicited response from the members of the committee before directing disciplinary inquiry to be initiated against them.*

7. *Having reached a conclusion that not even a plausible explanation is coming forth and finding that ignoring the seriousness in the matter, things have been perfunctorily overlooked, it is imperative that we direct a disciplinary inquiry to be initiated against all the three members of the committee. A copy of this order be sent to the Chief Secretary as also the Principal Secretary, Tribal Development Department and General Administrative Department who shall take immediate steps and initiate a disciplinary inquiry against all the three members of the committee and report compliance.*

8. *Since the petitioner's claim has already been decided the petition is disposed of. However, compliance report shall be placed before the Court as is directed."*

8. By way of this application, all the three members of the scrutiny committee are now praying for modification of the aforementioned order to the extent it directs a disciplinary enquiry against them.

9. Mr. Deshpande, learned senior advocate, would, at the outset submit that he absolutely does not intend to dispute any of the

afore-mentioned facts. He submits that the application may not fall into the parameters of review. The applicants sincerely request some sympathy. They admit the lapse on their part and the application may be considered as a mercy petition.

10. Mr. Deshpande would submit that irrespective of the stand being taken in the application, the direction to conduct disciplinary enquiry would have drastic ramifications adversely affecting the applicants' careers. There was no ill intention. They are basically revenue officials tasked with the work of validation of the scheduled caste and scheduled tribe certificates. The work is arduous, pendency is huge, they do not have legal acumen and approach, and may be excused by recalling the direction.

11. In response, we expressly pointed out to Mr. Deshpande that even discounting several aspects pointed out by him, the stand of the applicants while considering the request of Sakshi to decide her pending proposal for validation of the tribe certificate together with that of her real brother – Manoj, which was preceded by a vigilance enquiry in the matter of Manoj, was in-fact, an innocuous request and rejection of her such request defies all logic.

12. When it is a matter of social status of two individuals who are so closely related and a vigilance enquiry was already conducted in

the matter of Manoj, with the same set of evidence and for the selfsame reasons, the scrutiny committee could have saved its task of deciding Sakshi's claim at a later point of time particularly when there is huge pendency of similar claims. Rather it is obnoxious to think of the stand of the applicants, as mentioned in the *roznama* dated 07.08.2024 that only because Manoj's claim was being considered and Sakshi was still studying in 11th standard and that the detail vigilance enquiry was to be conducted in her matter, as the only reason for rejection of her request, as we have already noted in the order sought to be modified. This is highly objectionable and there cannot be any excuse.

13. Surprisingly, not only in the affidavit-in-reply filed by Mr. Kendre, not even in this entire application, anything has been stated as to what were such special and exceptional circumstances for them to express in the *roznama* dated 07.08.2024 their view of resorting to a separate vigilance enquiry in the matter of Sakshi. Further, it is only Mr. Kendra, senior research officer who took pains at least in responding to our direction to file affidavit. The other two applicants who are the other two members of the scrutiny committee did not even respond to our initial order passed in the writ petition and were bold enough to face the consequences.

14. The afore-mentioned circumstances are eloquent enough to substantiate our inference as indicated in the order sought to be modified. We may add that the only two logically thinkable reasons for such approach of the applicants would be, either they are grossly incompetent or were doing so for extraneous considerations.

15. Pertinently, we had merely noted the circumstances and expected the disciplinary enquiry to be initiated. Meaning thereby that it would be for the disciplinary authority now to take a conscious decision in accordance with law.

16. We see no sufficient and cogent reason to recall our direction.

17. The application is rejected.

[Y. G. KHOBRADE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/