

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1616 OF 2023

Vinay Tukaram Adhatrao and Ors. .. Petitioners

Versus

The State of Maharashtra Tribal .. Respondents
Development Department and Ors.

...

Ms. Vaishali B. Suryawanshi for the petitioners.

Ms. P.B. Chavan, AGP for the State.

**CORAM : BHARATI DANGRE &
ASHWIN D. BHOBE, JJ**
DATED : 14th JANUARY, 2025

P.C:-

1. The Petitioners are aggrieved by the denial of caste certificate of Koli Mahadev in their favour by the impugned order dated 23/12/2019 passed by the Sub-Divisional Officer, Pandharpur and the subsequent order dated 22/7/2022, passed by the Scheduled Tribe Scrutiny Committee, Pune Division, upholding the said rejection.

The Petition is, therefore, filed seeking for issuance of writ in the nature of certiorari or any other writ or appropriate direction for quashing and setting aside the impugned orders and for a direction to the respondent no.3 to issue a certificate belonging to 'Koli Mahadev' instead of 'Mahadev Koli' to the petitioners within a stipulated period.

2. We have heard learned counsel Ms.Vaishali Suryawanshi for the petitioners and learned AGP Mr.P.B. Chavan for the respondents.

The Petitioner No.1 Vinay s/o Tukaram Adhatrao was issued a Scheduled Tribe Certificate No. MAG/SR/05/2006 on 17/7/2006 by the Assistant Collector, Pandharpur Division, Pandharpur.

On receipt of the caste certificate, he submitted proposal for its verification through the Maharashtra State Road Transport Corporation i.e. his employer to the Scheduled Tribe Certificate Scrutiny Committee, Pune Division on 30/9/2007.

The Vigilance Cell of the Committee conducted Vigilance Enquiry and submitted its report to the Committee on 14/9/2009 which in turn, issued show cause notice to the Petitioner on 12/1/2010. The Petitioner submitted his response to the Committee on 15/2/2010 and it scheduled hearing from time to time, but eventually, it is only on 10/3/2015, the Committee recorded a finding that the certificate issued by the Assistant Collector, Pandharpur in favour of the Petitioner No.1 as belonging to 'Mahadev Koli' is not in accordance with law, as the Scheduled Tribe Order 1950 and the Scheduled Caste and Scheduled Tribes Orders (Amendment) Act, 1976, in Part IX for the State of Maharashtra. Entry No.29 in the said list has enlisted 'Koli Mahadev, Dongar Koli' as Scheduled Tribe.

As held by the Hon'ble Apex Court in ***State of Maharashtra Vs. Milind & Ors.***¹, it is not permissible to hold any enquiry and let in any evidence to decide or declare that

1 (2001) 1 SCC 4

any Tribe or tribal community or part of, or group within any tribe, is included in the general name even though it is not specifically mentioned in the entry in the Constitution (Scheduled Tribes) Order 1950.

Laying emphasis upon the position of law that the Scheduled Tribe Order must be read as it is, and it is not permissible to say that a tribe, sub-tribe, part of, or group of any tribal community is synonymous to the one mentioned in the Scheduled Tribe Order, the Scrutiny Committee also derived inference from the decision of the Apex Court in case of *Palghat Jilla Thandan Samudhaya Samrakshna Samithi Vs. State of Kerala*² to the effect that the entries in the presidential order have to be taken as final, and the scope of enquiry and admissibility of evidence is confined within the limitations indicated and in any case, it is not open for the Court to make any addition or deletion therefrom.

As a result of the aforesaid, the Committee arrived at a conclusion that the certificate awarded to the Petitioner no.1 of 'Mahadev Koli' on 17/7/2006, do not fit into the parameters of law and by keeping open the decision on the claim on merits, the certificate issued was cancelled.

The order, however, also conferred liberty on the Petitioners to obtain a proper tribe certificate from the competent authority and forward it to the Committee for its verification.

The certificate issued to the Petitioners as 'Mahadev Koli' on 17/6/2006, was thus cancelled.

² 1994 (1) SCC 359

3. In the wake of the aforesaid order, and as per the direction of the Scrutiny Committee, the Petitioner No.1 once again approached the Sub-Divisional Officer, Pandharpur Division with a request for issuance of a Tribe Certificate with the change in the nomenclature in the Tribe 'Mahadev Koli' to 'Koli Mahadev'.

This time, the Petitioner No.1 himself as well as Petitioner Nos. 2 to 6 also filed their applications through their father and uncle and the applications were accompanied with relevant documents required for procuring a caste certificate which included the school certificates of the blood relatives on paternal side, the caste certificates and also the caste validity certificates.

On consideration of the Application, the Sub-Divisional Officer i.e. Respondent No.3, by order dated 23/12/2019, requested to grant a certificate belonging to Koli Mahadev, a recognized Scheduled Tribe.

4. The Sub-Divisional Officer enlisted the documents placed along with the applications filed by the Petitioners which include the earlier order passed by the Committee in case of Petitioner No.1 dated 29/1/2015 and also the documents in form of School Leaving Certificate of Krishna Vikas Adhatrao, Vikas Tukaram Adhatrao mentioning the caste as 'Mahadev Koli'. The caste certificate issued in favour of Shubhangi, Tukaram Adhatrao, the sister of the Petitioner No.1 and the aunt (आर्या) of the other Petitioners, reflecting the caste as 'Koli Mahadev' was also produced. The School Leaving

Certificate of Tukaram, Baburao, father of the Petitioner No.1 and the grandfather of Petitioner Nos.2 to 6 dated 9/10/2002, recording the caste as 'Mahadev Koli' and the birth register entry of Vasant Baburao Adhatrao dated 9/10/2002 recording the caste "Mahadev Koli" was also relied upon.

In addition to the aforesaid documents, two validity certificates issued in favour of Mukesh Madhukar Adhatrao dated 10/7/1991, the Petitioner No.1's cousin brother and Petitioner Nos.2 to 6's cousin uncle and the validity issued in favour of Vaijayanti Bapat (Adhatrao) dated 29/6/1990, the aunt of Petitioner Nos.2 to 6 was also relied upon.

5. While deciding upon the applications of the Petitioners, the Sub-Divisional Officer referred to the validity certificates issued in favour of Mukesh and Vaijayanti. However, taking note of rejection of validity in favour of Radhika Mahesh Adhatrao and Shantanu Mahesh Adhatrao as Koli Mahadev, since their claim was rejected by the Scheduled Tribe Scrutiny Committee, Pune, and since in the said order, reference was made to the order passed by the Appellate Authority dated 10/7/1991, where Mukesh Madhukar Adhatrao was declared to be Mahadev Koli, Scheduled Tribe, but since the decision being taken prior to the Vigilance Cell coming into field and prior to coming into force of The Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, and The Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of)

Certificate Rules, 2003, the Sub-Divisional Officer concluded that the validity granted in favour of Radhika and Shantanu cannot be accepted.

Recording that Mahesh Madhukar Adhatrao is the cousin brother of Vinay Tukaram Adhatrao and as the Tribe Certificate issued in favour of the blood relations of the Petitioners were cancelled, the Applicants (Petitioners) are not entitled for caste certificate of Koli Mahadev, their applications came to be rejected.

6. The above order was challenged in an Appeal before the Respondent No.2 Committee, which upheld the decision of the Sub-Divisional Officer, by recording that while staking a claim that the person belongs to a particular caste/tribe and when an application is preferred to the Competent Authority under Section 3 of the Act of 2000, the burden lies on the applicant and since they failed to prove their claim, as belonging to 'Koli Mahadev', no fault was found with the order passed by the Sub-Divisional Officer.

7. The learned counsel Ms.Vaishali Suryawanshi has urged that the scope of enquiry while granting the caste certificate is very limited and the authority has to only *prima facie* satisfy itself about the genuineness of the claim based upon the documents that are produced and in any case, it is not open for it to ascertain its validity, which is the function of the Scrutiny Committee. She would submit that along with the Petition, the Petitioners have placed on record, the order passed by the Collector in favour of Petitioner No.1 on 5/7/2006, when he

issued a direction that a caste certificate of 'Mahadev Koli' shall be issued to Vinay Tukaram Adhatrao. She has also produced on record the Vigilance Enquiry Report of the Petitioner No.1 dated 14/9/2009, where the School entries of his predecessor are recorded as Hindu Koli/Hindu Mahadev Koli, being pre-constitutional entries. In addition, the Vigilance Enquiry has also referred to certain birth entries, including the one of Gangabai Ramchandra Appa dated 1/10/1936, where the caste is recorded as 'Koli Mahadev' and Entry of Susheela Baburao Appaji Adhatrao, the aunt of Petitioner No.1 dated 6/9/1939 had recorded caste as 'Koli' and another entry of 23/10/1939 of Madhukar Ramchandra Babaji Adhatrao had also recorded the caste 'Koli'.

8. Relying upon the genealogy produced before the Committee and which is annexed along with the Petition, it is the submission of the counsel for the Petitioners that *prima facie* case was made by the Petitioners for issuance of caste certificate, which shall ultimately be subjected to verification by the Scrutiny Committee.

As far as the judgment in case of Mukesh Madhukar Adhatrao and Dr. Vaijayanti Bapat passed by the Appellate Authority i.e. Additional Commissioner Tribal Development, when their Appeals were allowed and the decision of the Scrutiny Committee refusing their claim of Mahadev Koli was set aside, with a declaration that they belong to "Mahadev Koli" - Scheduled Tribe and restoring the caste/Tribe certificate issued in their favour, according to the learned counsel, has attained finality.

9. Under the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes (Vimukta Jatis) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, the process for issuance of caste certificate by the competent authority and its validation by the Scrutiny Committee is prescribed alongwith the procedure to be followed while undertaking the aforesaid exercise.

At the time of issuance of a caste certificate, the competent authority, on being satisfied about the genuineness of the claim put before him and after following the procedure prescribed under Rule 4 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, shall issue a certificate declaring the applicant to be belonging to the Scheduled Tribe and the certificate shall be issued in form 'C' appended to the Rules.

While considering the application, the competent authority is expected to consider the evidence produced by the applicant or any other person on his behalf and after taking into account the material that is furnished, he has to satisfy himself about the genuineness of the claim, pursuant to which the certificate shall be granted, which is open for the verification of the Scrutiny Committee in the matter prescribed in the Act as well as the Rules.

While issuing the certificate, the jurisdiction of the competent authority constituted under the Act is limited to the examination of the claim and arriving at a *prima facie* opinion on the basis of the record produced before the authority. As per Rule 4 of the Rules of 2003, in case the applicant is not in a

position to produce any or more of the documents, which are imperative for him to be furnished, the applicant shall state the reason therefor in his affidavit and on consideration of the same, the competent authority shall conduct enquiry as it deems fit and shall decide the claim on merit.

Thus, the scope of the enquiry at the stage of issuance of caste/tribe certificate in favour of the applicant is restricted to a *prima facie* satisfaction being expressed based on the documents furnished that the applicant belong to the caste/tribe and even if no such documents are furnished, it is open for the competent authority to conduct such enquiry as it may deem necessary and then issue a caste certificate.

10. Reading of the above make it clear that, at this stage, the competent authority is not expected to get into the veracity of the documents, but has to satisfy himself about the genuineness of the claim and this definitely is a distinct exercise from the one to be carried out, when the caste certificate itself is taken for verification by the Scrutiny Committee under Section 6 of the Act.

11. The Petitioner No.1 had actually procured a tribe certificate in the year 2006 belonging to 'Mahadev Koli' and this certificate was subjected to scrutiny by the Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune, which rejected the claim of 'Mahadev Koli'. In the second round, the Petitioner No.1 alongwith the other Petitioners once again approached the competent authority and now this time claiming a certificate of 'Koli Mahadev'.

The claim is supported by various documents, which have recorded the caste of the blood relations of the Petitioners, either as 'Mahadev Koli' or 'Koli Mahadev' and on persual of the documents placed before us, we have noted that the certificates have interchangeably referred to the caste as 'Koli Mahadev-Mahadev Koli'.

12. The Petitioners heavily fall back on the validity certificates granted in favour of the blood relation Mukesh Madhukar Adhatrao, in whose favour the Addl. Commissioner, Tribal Development, gave a declaration that he belongs to 'Mahadev Koli' Scheduled Tribe and the caste certificate granted by the District Magistrate in his favour, which was earlier cancelled by the District Magistrate in his favour, was directed to be restored and was validated.

The Appellate Authority, on recording the submissions advanced by Madhukar Ramchandra Adhatrao had relied upon various documents, including the pre-constitutional document dated 21/07/1947, which described the caste as 'Mahadev Koli' and the proof about the scholarship awarded to him as Scheduled Tribe candidate belonging to 'Mahadev Koli' in July 1957. It was also canvassed before the Committee that Madhukar Ramchandra is a Central Government employee and his caste status as a tribe is accepted by his employer and in support, he produced the gradation list of his cadre and also the Central Government Gazette, which reflected an entry of Scheduled Tribe against his name.

The report of the Research Officer of Research and Training Institute clearly admitted that the record produced

by Shri Adhatrao cannot be disputed, but there were certain entries recorded in the primary school Register of blood relations, reflecting it as 'Koli' and the Research Officer concluded that the family belonging to 'Koli' caste and not 'Mahadev Koli'.

The Scrutiny Committee considered the entry of 'Koli' in the Birth Register of the blood relations and held that lack of knowledge of traditions and customs is not a conclusive proof of evidence and holding that substantially the claim has been proved, the declaration was issued.

13. Another certificate on which reliance is placed is in case of Dr.Vaijayanti Bapat whose certificate belonging to 'Mahadev Koli' was restored by a detailed order passed by the Committee.

These two documents form anchor-sheet of the claim of the Petitioners set up before the competent authority with the submission that at the stage of issuance of caste certificate, this itself is sufficient.

14. Learned A.G.P. Ms.Priyanka Chavan has vehemently argued before us that the Petitioner No.1 initially staked the claim to be belonging to 'Mahadev Koli', but when his caste certificate was invalidated, now he has stood up before the competent authority, claiming that he belongs to 'Koli Mahadev' and she would pose a question as to how he could stake such a claim and we find the answer to this query in the decision delivered by the Division Bench of this Court in the

case of *Prakash s/o Subhash Bhople Vs. Deputy Collector (General) Latur, District Latur (Writ Petition No.4536 of 2014)*, when the petitioners before the Court staked a claim that they are belonging to 'Koli Mahadeo', a Scheduled Tribe, but they were issued the certificates by competent authority, certifying that they belong to 'Mahadeo Koli', a Scheduled Tribe.

Upon the certificates issued to the respective petitioners, they were referred for verification to the concerned Scrutiny Committee and the Committee reached to a conclusion that there is no entry of 'Mahadeo Koli' in the Scheduled Tribes Order, 1950 as well as in (Amendment) Act, 1976 and rather Entry No.29 read as 'Koli Mahadev', 'Dongar Koli' and the petitioners, who were armed with certificate of 'Mahadev Koli' did not fit themselves into the said entry and, therefore, the Committee invalidated the claim of the petitioners and confiscated the caste/tribe certificate, but conferred liberty upon the petitioners to secure proper certificates from the competent authority and once again submit the same for scrutiny.

15. The Division Bench, while deciding the petitions, pertinently observed thus :-

“6. There is a little doubt that 'Koli Mahadev' are referred as 'Mahadev Koli' and for years together certificates were issued by the competent authorities in favour of persons belonging to the tribal community certifying their tribe as 'Mahadev Koli' and that such certificates have been validated by the Scrutiny Committees without raising an issue.

7. It is also not a matter of dispute that in number of matters, validation orders in favour of number of tribal persons certifying that they belong to 'Mahadev Koli', Scheduled Tribe have

been confirmed by the High Courts and the Supreme Court. Even if there is no doubt that there does not exist any separate tribe as 'Mahadev Koli', still, technically, since Entry recorded in the Presidential Order reads 'Koli Mahadev', following the dictum of the Supreme Court, no authority or the Court has any entitlement to read the Entry in a different manner."

16. Deriving benefit of the observations of the Apex Court in *Palghat Jilla Thandan Samudhaya Samrakshna Samithi* (supra), when the question arose for consideration before the Apex Court as to whether the persons 'Thandans' in Malabar area were intended to be covered by 1976 order, a conclusion was drawn that it is not for the State Government or even for the Court to enquire into the correctness of what is stated in the report that has been made thereon or to utilise the report to, in effect, modify the Scheduled Castes Order. However, it was open to the State Government if it deems proper, to forward the report to the Appropriate Authority to consider whether the Scheduled Castes Order needs amendment by appropriate legislation, but until the same is amended, it must be read as it is and, therefore, the State Government must treat 'Thandans' throughout Kerala as members of the Scheduled Castes and issue validity certificates.

17. In *State of Maharashtra Vs. Milind & Ors.* (supra), once again the question that fell for consideration before the Apex Court was, whether at all, it is permissible to hold enquiry and let in evidence to decide or declare that any tribe or tribal community is included in the general name though it is not specifically mentioned in the concerned entry in the Constitution (Scheduled Tribes) Order, 1950 and whether

‘Halba Koshti’ caste is a sub-tribe within the meaning of Entry No.19 ‘Halba/Halbi’ as per Entry No.19 in the Scheduled tribes Order relating to State of Maharashtra. By referring to the law flowing from various authoritative pronouncements, the conclusion was drawn that the Scheduled Castes and Scheduled Tribes Order, 1950 and (Amendment) Act, 1976 must be read as it is and it is not permissible to record a finding that a tribe, sub-tribe, part of or group of any tribe or tribal community is synonymous to the one mentioned in the Scheduled Tribes Order.

18. Applying the aforesaid decision of the Apex Court, the Division Bench clearly held that if the petitioners produce a caste/tribe certificate belonging to ‘Koli Mahadev’ Scheduled Tribe, entry of which is recorded at Sr.No.29 in the Scheduled Tribes Order, 1950, then it would be permissible for the Scrutiny Committee to verify the caste/tribe and issue validity certificates and this view cannot be erroneous. However, the Division bench noted that in ***Shilpa Vishnu Thakur Vs. State of Maharashtra & Ors.***³, which referred to an article of Dr.Robin D. Tribhuwan on Anthropological Perspectives and more particularly, to the similarities between the tribal and non tribal communities. Madadeo Koli, Tokre Koli, Malhar Koli was compared with entry Koli (including Son Koli, Suryawanshi Koli, Vaiti Koli) etc., the non tribal community. In paragraph 17 of the said decision, the Bench specifically recorded thus :-

3 2009 (3) MhLJ 995

“17. A reference is also made to the Government Resolution issued by the Tribal Development Department bearing No.CBC-1684/(309)/KA/11 dated 24.04.1985 and annexure thereto. The annexure records details of the Scheduled Tribes and its sub-tribes and other similar tribes which are likely to take benefits available to the tribes recorded in the schedule on the basis of similarity in the nomenclature. So far as tribe 'Koli Mahadev' is concerned, it is recorded at Sr.No.23 in the annexure and it is further recorded in the schedule, that "Mahadeo Koll" is one amongst the scheduled tribes in the State of Maharashtra mainly located in hilly areas of the State. The population figures of the said tribe, as per 1971 census was 3,39,855. It is recorded in column no.4 that other tribes and castes such as 'Koli', Suryawanshi Koli, Sonkoli and Christian Koli are the castes likely to take benefits on the ground of similarity in the nomenclature. The tribe 'Koli Mahadev', which is recorded at Sr.No.29 in the Schedule is referred to as "Mahadeo Koli" in the Government Resolution and annexure thereto. As has been stated earlier, it is a fact that all the while till this date, thousands of certificates have been issued in favour of persons belonging to 'Koli Mahadev' category referring to their tribe as 'Mahadev Koli' and such certificates have been validated by the respective Scrutiny Committees and orders have been issued in favour of thousands of applicants. Neither the Scrutiny Committees nor the High Court, considering the matters, objected to reference of the tribe as 'Mahadev Koll' instead of 'Koli Mahadev. As has been recorded earlier, it is an admitted position that there is no separate tribe or caste in the State of Maharashtra as 'Mahadev Koli'.

19. In the wake of the aforesaid observations, since it was concluded that tribe Koli Mahadev, which was recorded at Sr.No.29 in the Scheduled Tribe Order is referred to as 'Mahadev Koli' in the Government Resolution and, since, large number of certificates have been issued in favour of persons belonging to 'Koli Mahadev', the Court issued the following directions to the Scrutiny Committee :-

“(a) The petitioners, in these petitions, may approach the concerned Scrutiny Committees for issuance of photostat copy of the caste/tribe certificate produced by them for verification, within a period of four months from today. The Scrutiny Committee, on receipt of such applications, issue attested/authenticated copy of the caste/tribe certificate produced by respective petitioners for verification to the Committee.

(b) The respective petitioners, on receipt of photostat copy of the caste/tribe certificate, shall approach the concerned Sub

Divisional Officer/competent authority with an application for issuance of caste/tribe certificate within a period of six weeks, thereafter

(c) In the event earlier caste certificates had been issued by the Executive Magistrates, it would be open for the petitioners to tender an application to the Sub Divisional Officer of the concerned Division and such officer shall entertain the application and shall issue caste certificate/s in the prescribed proforma on verifying attested/authenticated photostat copy of the earlier caste certificate.

(d) The concerned Sub Divisional Officer/Competent Authority, on receipt of the applications by respective petitioners, together with attested/authenticated photostat copy of the caste/tribe certificate issued earlier, shall proceed to issue caste/tribe certificate in prescribed proforma certifying that respective petitioners belong to 'Koli Mahadev', Scheduled Tribe. The Sub Divisional Officers/Competent Authority shall issue certificate within a period of four weeks from the date of receipt of the applications.

(e) On receipt of Tribe certificates, respective petitioners, shall approach the concerned Scrutiny Committees with a proposal in prescribed proforma requesting the Scrutiny Committees to verify the Tribe Certificate and consider their applications for Issuance of validity certificates. The respective petitioners shall approach the Scrutiny Committee within a period of eight weeks from the date of receipt of the caste certificate from the competent authority.

(f)

(g)

(h) The respective education institutions/colleges or the employers shall not take any adverse action against any of the petitioners only on the ground of their failure to produce validity certificate and further appropriate action can be taken only subject to result of verification claim, which would be lodged before the Scrutiny Committee, in accordance with the directions issued in this Judgment."

20. The said decision of the Division Bench was followed in ***Balu Eknath Thombre Vs. the State of Maharashtra & Ors. (Writ Petition No.8738 of 2015)*** and ***Santosh Kerba Padher & Ors. Vs. State of Maharashtra & Ors. (Writ Petition No.1435 of 2019)***, which reiterated the same view.

21. In light of the aforesaid discussion and the opinion being expressed through the authoritative pronouncements referred by us as above, the rejection of the caste certificate to the Petitioners of 'Koli Mahadev', by recording that two certificates granted in favour of Radhika Mukesh and Shantanu Mukesh Adhatrao have been invalidated and it had placed reliance upon the decision of the Additional Commissioner, Tribal Development in case of Mukesh Madhukar Adhatrao, who was declared to be 'Mahadev Koli', but this exercise was undertaken prior to establishment of Vigilance Cell and coming into force the Act of 2001 and, therefore, the decision of the Appellate Authority cannot be held to be binding upon the Committee, is complete fallacy.

22. In our considered view, at the stage of issuance of the caste certificate, it is only the *prima facie* case which should be assessed by the competent authority, as it has to satisfy itself about the genuineness of the documents and correctness thereof only at *prima facie* level, without any detail verification/scrutiny, which is the function of the Scrutiny Committee. Since, we find that the Sub-Divisional Officer has exceeded his jurisdiction in passing order dated 23/12/2019, which is subsequently upheld by the Sub-Divisional Officer on 22/07/2022, we quash and set aside the aforesaid order and direct the Sub-Divisional Officer, Pandharpur Division, Pandharpur to issue a caste certificate in favour of the Petitioners in terms of their applications within a period of eight (8) weeks from today.

Needless to state that the caste certificates issued shall not confer any right upon the Petitioners by itself as the said certificates shall be subjected to scrutiny by the Scrutiny Committee constituted under Section 8 of the Act.

In the wake of the above, the Writ Petition is made absolute.

(ASHWIN D. BHOBE, J)

(BHARATI DANGRE, J.)