

Pdp

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO. 110 OF 2024**

**Sagar Dnyaneshwar Shinde**

**.. Petitioner**

**Versus**

**Secretary, Maharashtra State  
Commission for Schedule Caste  
And Schedule Tribe & Ors.**

**.. Respondents**

Mr. Yuvraj Narvankar a/w Ms. Raufa Shaikh for petitioner.

Mr. O. A. Chandurkar, Addl. Govt. Pleader with Mrs. G. R. Raghuwanshi, AGP for respondent nos.1, 2, 4 and 5.

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**CORAM:      ALOK ARADHE, CJ. &  
                     ARIF S. DOCTOR, J.**

**DATE:        18<sup>th</sup> FEBRUARY, 2025**

**ORDER [Per Chief Justice]:**

- 1.** Rule. Rule is made returnable forthwith. With the consent of the learned counsel for the parties, heard finally.
- 2.** In this petition filed *pro bono publico*, the petitioner, *inter alia*, seeks a direction to the respondents to appoint the Chairman and other members to Maharashtra State Commission for Scheduled Caste and Scheduled Tribes.
- 3.** Following prayer has been made in the writ petition:
  - a) This Hon'ble Court be pleased to issue a Writ of *Mandamus* or a Writ in the nature of *Mandamus* or any

other appropriate Writ, Order of direction under Articles 226 and 227 of the Constitution of India calling for the records pertaining to the functioning of the State Commission for ST/SC and after examining the legality and/or propriety thereof be pleased to direct the respondent no.4 to appoint the Chairman of the State Commission for ST/SC forthwith and further direct expeditious determination of the pending complaints including the complaint of petition dated 26.09.2023.

**4.** In the affidavit-in-reply filed on behalf of the respondents, it has been stated that by a Government Resolution dated 16<sup>th</sup> September, 2024 Chairman, Vice Chairman and two other members have been appointed to the Maharashtra State Commission for Scheduled Caste and Scheduled Tribes and the Commission is functioning.

**5.** Learned counsel for the petitioner has invited attention of this Court to an order dated 18<sup>th</sup> September, 2024 wherein this Court had recorded the grievance of the petitioner that the appointments which have been made are not in consonance with the provisions contained in the Appendix appended to the Government Resolution dated 1<sup>st</sup> March, 2005, in as much as that the Member (Law), Member (Services) and similar other members, who have been appointed by means of the Government Resolution dated 16<sup>th</sup> September, 2024, do not fulfil the requisite qualifications.

**6.** From the perusal of the prayer clause quoted supra, it is evident that the grievance of the petitioner stands redressed. In case the petitioner is aggrieved by the appointments made to the Commission which have been taken place during the

pendency of the petition, the same furnishes an independent cause of action. The petitioner is at liberty to seek writ of *quo warranto* seeking quashment of their appointments.

7. With the aforesaid liberty, PIL is disposed of.
8. Pending Interim Applications, if any, stand disposed of.

**(ARIF S. DOCTOR, J.)**

**(CHIEF JUSTICE)**