

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.15519 OF 2024
IN
WRIT PETITION NO.5119 OF 2009

Sham Vanraj Kale

.. Applicant

Versus

State of Maharashtra through its .. Respondents
Secretary, Tribal Development Dept. &
Ors.

...

Mr.R.K.Mendadkar with Ms.Priyanka Shaw, Ms.Jayashri
Mendadkar & Mr.Siddhant Sawai for the Petitioner.

Mr.V.G.Badgujar, A.G.P. for the State/Respondent Nos.1 to 4.

...

**CORAM: BHARATI DANGRE &
ASHWIN D. BHOBE, JJ.**

DATED : 10th JANUARY, 2025

P.C:-

1. Raising an objection to the inclusion of Shri A.V.Hankare, a Junior Administrative Officer, in the Scrutiny Committee and, thereby, alleging that the Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune, which rejected the claim of the Petitioner, was not a properly constituted Committee in terms 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 (for short, "**Act of 2000**"), learned

counsel Mr.Mendadkar has placed reliance upon an order passed by this Court in group of Writ Petitions on 01/09/2009, Writ Petition No.8413 of 2008 being the leading petition.

2. While pronouncing upon the very objection, that Mr.Hankare, who had participated in the proceedings of the Scrutiny Committee, though he was not a Research Officer, the stand adopted by the Deputy Director of Scheduled Tribe Certificate Scrutiny Committee, Pune Region, that he was assigned the additional charge of Research Officer, as the Research Officer was promoted and in order to expeditiously decide the claims, he was permitted to function as Research Officer, the Division Bench relied upon Section 6 of the Act of 2000 and concluded that the Committee had lost sight of the fact that the Committee must be constituted in terms of the decision in the case of ***Kumari Madhuri Patil Vs. Additional Commissioner, Tribal Department***¹. A Research Officer, with intimate knowledge in identifying the tribes, tribal communities, must be the integral part of the Committee and, since, the affidavit of the State Government did not reflect that Mr.Hankare possessed the knowledge, a direction was issued that the Scrutiny Committee shall be properly re-constituted and the impugned order passed by the Scrutiny Committee was set aside and the matter was remanded to the Scrutiny Committee, to be decided afresh by a properly constituted Committee.

3. We find substance in the contention of Mr.Mendadkar as the impugned order dated 29/04/2009, which is the subject

¹ AIR (1994) 6 SCG 241

matter of the present Petition, has also a participation of Mr.Hankare, being reflected as 'Member'.

Since the Committee is not properly constituted with his presence and the claim of the Petitioner being decided by the Committee, which was not constituted as per the Act of 2000 and the decision in case of ***Kumari Madhuri Patil*** (supra), we quash and set aside the impugned order dated 29/04/2009 and remand the case of the Petitioner to the Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune, with a direction to decide the claim within a period of six months from today.

With this direction, Writ Petition is disposed of.

In the wake of the aforesaid observation, the prayer in the Interim Application does not survive and the same is also disposed off.

(ASHWIN D. BHOBE, J.)

(BHARATI DANGRE, J.)