

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5028 OF 2006

Shilpa Vishnu Thakur.

..Petitioner.

Versus

State of Maharashtra and
four others.

..Respondents.

....

Mr.R.K. Mendadkar, Advocate for the petitioner.

Mr.V.A. Gangal, Advocate with Mr.S.S. Deshmukh and Ashok
Gade, Advocates for the respondent.

....

CORAM : D.K. DESHMUKH, AND
K.K. TATED, JJ.

DATED : 30TH NOVEMBER, 2009

P.C.:-

1. Heard learned Counsel for both the sides. Perused the judgment of the Full Bench in the case of ***Shilpa Vishnu Thakur vs. State of Maharashtra and Ors.*** reported in ***2009(3) Mh.L.J. 995.***
2. In para 10 of the order, the Scrutiny Committee has recorded a clear finding of fact that

"... after hearing the Applicant's father during the course of hearing the Committee has come to the conclusion that the petitioner has completely failed to establish that she is a person who belongs to Scheduled Tribe "Thakar", as enumerated under the Presidential Order for the State of Maharashtra issued under Article 324 of the Constitution of India and as such her application has to be rejected."

3. The Scrutiny Committee is a body of experts. Once, such a body of experts records finding of fact based on their knowledge of the subject, in our opinion, the High Court in its extraordinary jurisdiction under Article 226 of Constitution of India should not interfere with such finding.
4. The learned Counsel for the petitioner submitted that the Committee has not considered the opinion of Mr.Mutatkar who is said to be an expert on the subject. In our opinion, the Scheduled Tribe Certificate Scrutiny Committee which scrutinizes certificates is itself a body of experts. It consists of peoples who have knowledge of the subject. It is for them to decide which expert opinion is to be considered. The High Court in exercise of its extraordinary jurisdiction cannot be a Judge of that.

5. Taking overall view of the matter, in view of the finding recorded by the Full Bench, in our opinion, the Petition cannot be entertained. Writ Petition is rejected.
6. At the request of the learned Counsel for the petitioner, the operation of the interim order is extended for a period of eight weeks.

(D.K.DESHMUKH,J)

(K.K. TATED,J)