

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6013/2014

Pooja D/o Ranjit Patil
Age 19 years, Occu-Education
R/o Hanuman Nagar
Shirud Naka, Amalner
Tq. Amalner, Dist. Jalgaon

.. PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary
Social Welfare Department
Mantralaya, Mumbai-32

[Copy to be served on Government
Pleader High Court of Judicature
Bench at Aurangabad.]

- 2] The Scheduled Caste, N.T.,
V.J.N.T., O.B.C. and S.B.C.
Certificate Verification Committee
No.2, Dhule Division, through
its Member Secretary, Dhule
Badgujar Plot, Near Prakash
Talkies, Dhule, Dist. Dhule

- 3] The Principal
Cummins College of Engineering
for Woman, Karvenagar, Pune
Dist. Pune.

- 4] The Registrar
Savitribai Phule Pune University
Ganesh Khind
Pune, Dist. Pune.

..RESPONDENTS

...

...
Mr.S.M.Vibhute,Adv. for petitioner.
Mr.A.S.Shinde,AGP for State.
...

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 15th January, 2015.**

P.C. :

Mr.Vibhute, learned counsel for petitioner submits that the scrutiny committee has invalidated the caste claim of the petitioner without considering the validity granted in favour of the father of the petitioner and the cousin of the petitioner. The learned counsel submits that petitioner's father had attended the proceedings before the Committee on 18/6/2014. Say was filed to the report of the vigilance on the said day and also application was filed on the said day seeking adjournment so as to enable the petitioner to file some more documents such as validity certificates issued in favour of near relatives, the caste certificates and the affidavit showing the genealogy of the persons in whose favour the validity is granted. However, only on the ground that the matter is time bound, the Committee rejected the said application and closed the matter for judgment, even hearing was not accorded.

2] Mr.Shinde, learned AGP submits that time to time adjournments were taken by the petitioner. Ample opportunity was given to the petitioner to put forth her case. However, petitioner adjourned the matter time and again and there is not a single document in favour of the petitioner showing that the

petitioner belongs to Rajput Bhamta Nomadic Tribe.

3] We have considered submissions canvassed by learned counsel for respective parties. We certainly do not approve the conduct of the petitioner in seeking adjournments though the matter was made time bound by the order of this Court. However, the fact remains that the application of the petitioner seeking time to file affidavit, documents and to argue the matter was rejected and the matter was closed for orders on 18/6/2014. Considering the said fact, we are inclined to give one opportunity to the petitioner. However, petitioner also deserves to pay costs. In the result, we pass following order :

a] Impugned order is quashed and set aside on condition that petitioner pays Rs.25,000/- [Rs.Twenty five thousand only] within a period of four weeks from today. The payment of costs is a condition precedent. The said costs shall be deposited with the Committee. In case said cost is deposited within the stipulated period, the Committee shall decide the proceedings afresh.

b] Petitioner shall appear before the Committee on **12/2/2015**. On the said date, petitioner shall file whatever documents on which the petitioner wants to place reliance. No further time shall be granted by the Committee to the petitioner for filing any other documents thereafter. The committee shall decide the proceedings within a

period of three months thereafter.

4] Writ Petition is disposed of with observations and directions as above.

5] The record which was produced by learned AGP is returned back to the learned AGP.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

umg/