

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 4236 OF 2015

Amit s/o Sudhakar Bhuigal

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. K. D. Soman, advocate holding for Mr. D. V. Soman, advocate for petitioner.

Mr. K. J. Ghute Patil, AGP for the State.

Mr. S. T. Shelke, advocate for respondents 3 and 5.

Mr. A.M. Karad, advocate for respondent no. 4.

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**CORAM : R.M. BORDE &
V. K. JADHAV JJ.**

DATE : 17th APRIL, 2015.

PER COURT :

1. Petitioner is objecting to the order passed by the Returning Officer directing acceptance of nomination paper presented by respondent no. 2. It is contended by petitioner that the caste certificate issued in favour of respondent no. 2 certifying that he belongs to Scheduled Caste category was subjected to scrutiny and the Scheduled Caste Verification Committee, Aurangabad, after considering the evidence lead by the concerned respondent, directed invalidation of the caste certificate. Order of the Scrutiny Committee directing invalidation of the caste certificate issued in favour of respondent no. 2 was subject matter of challenge in Writ Petition No. 4332/2000 presented by respondent no. 2. This Court did not entertain

the writ petition and dismissed the same by order dated 23.10.2001 thereby confirming the order passed by the Scrutiny Committee directing invalidation of the caste certificate. Respondent no. 2 challenged the order passed by this Court in aforesaid petition by presenting Special Leave Petitions bearing No. 3215/2002 and 3216/2002. The Supreme Court, while entertaining the special leave petition directed issuance of notice and also granted interim stay to the order impugned until further order.

2. It is not a matter of dispute that the special leave petition presented by respondent no. 2 is pending before the Supreme Court. In view of stay granted by Supreme Court to the operation of the order passed by the Scrutiny Committee, which has been confirmed by this Court, it has to be presumed that the claim raised by respondent no. 2 for issuance of validation certificate is still pending.

3. The State Government, by issuing circular on 07.04.2014 granted relaxation from condition of presentation of validation certificate at the time of presentation of nomination paper and permitted the prospective candidates to tender nomination paper alongwith an affidavit deposing about pendency of claim before the Scrutiny Committee. In the instant matter it is to be presumed, in view of pendency of matter before the Supreme Court, that the claim raised by respondent no. 2 for issuance of validation certificate is pending. In this view of the matter, in our opinion, the Returning Officer was justified in directing acceptance of nomination paper presented by respondent no. 2. Objection raised by petitioner to the

order impugned in the instant petition is devoid of substance. Writ petition as such stands rejected.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE

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