

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

WRIT PETITION NO. 613 OF 2015

MOHD SIKANDAR MOHD MAULANA
VERSUS
THE DIVISIONAL CASTE CERTIFICATE AND VERIFICATION COMMITTEE,
LATUR AND OTHERS

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Advocate for Petitioner : Shri Gaware Niteen V.
AGP for Respondents/ State : Shri A.R.Kale.
Advocate for Respondent 4 : Shri P.S.Agrawal.

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**CORAM: S.C. DHARMADHIKARI
AND
MANGESH S. PATIL, JJ.**

DATE :- 16th June, 2017

PC.:

1 The Petitioner (Mohd. Sikandar Mohd. Maulana) is also aware as to how in Muslim Law and amongst Muslims, it is normal that marriages are solemnized amongst close relatives. Bearing in mind that common ancestor is correctly described, but there is some error or discrepancy in setting out the details of sons and daughters and names of cousins and description of relationship that by itself in this case will not enable the Petitioner to question the exercise undertaken by the Scrutiny Committee.

2 We do not think that the Scrutiny Committee can be directed to reopen the proceedings merely because the Petitioner feels that the

certificate was obtained fraudulently. The Scrutiny Committee can revisit its findings in the case of such fraud as is apparent from sub-section (1) of Section 7 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Act No.23 of 2001). The Petitioner, who is admittedly a political opponent, desires that Respondent No.4 should be disqualified for having produced the caste certificate which was obtained by fraud. Particulars of fraud have to be brought on record. Mere incorrect description, discrepancy or error in genealogy or family tree, would not mean that the certificate was obtained by fraud. There were two genealogies or family trees brought on record, is also not enough. We have found from reading of the petition and all annexures thereto that the certificate of validity was issued to Respondent No.4 on the Scrutiny Committee following the requirements of Act No.23 of 2001 and the rules. Nature of a detailed inquiry that the Scrutiny Committee made through the Vigilance Cell and which is apparent from page 26 of the paper book is, therefore, enough for us to conclude that there is due application of mind.

3 In such circumstances in the garb of issuing a prerogative writ, we cannot direct the Scrutiny Committee to reopen the proceedings which have concluded long time back. We found no proof of fraud and

therefore, ingredients of Section 7(1) of the Act No.23 of 2001 cannot be held to be satisfied. The Scrutiny Committee cannot review its own orders nor can this Court sit as an appellate court and re-appreciate the factual material on record.

4 In the circumstances the Writ Petition is devoid of merits and is dismissed.

kps

(MANGESH S. PATIL, J.)

(S.C. DHARMADHIKARI, J.)