

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

WRIT PETITION NO. 3751 OF 2017

RAFAT SULTANA ISMAIL TADVI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Zia Ul Mustafa.
AGP for Respondents/ State : Shri S.B.Yawalkar.
Advocate for Respondent 2 : Shri S.T.Shelke.
Advocate for Respondent 6 : Shri Subodh P. Shah.
Advocate for Respondent 8 : Shri Patil Milind M. (Beedkar).

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

DATE :- 16th June, 2017

PC.:

1 Having heard the Petitioner's Advocate, we are of the view that we cannot scrutinize and verify the claim raised on behalf of Respondent No.6, acceptance of which led to issuance of a caste validity certificate in his favour. In any event, after filing the nomination form, the candidate is obliged to produce the caste validity certificate. There is dispute about Respondent No.6 obtaining such validity certificate from the competent Scrutiny Committee or otherwise. However, looked at from any angle, we do not find that the petition can be entertained. If the Petitioner is aggrieved and dissatisfied by the issuance of the caste validity certificate

or by acceptance of alleged fraudulent or bogus claim, he can avail of such remedies as are provided by law including approaching the competent Caste Scrutiny Committee and bringing to its notice this act allegedly committed by Respondent No.6. Independent of this, the Petitioner can also launch a criminal prosecution in the event the Petitioner feels that a punishable offence has been committed by Respondent No.6.

2 In these circumstances when there is dispute on facts, it would not be safe to entertain the Writ Petition. The Writ Petition is dismissed.