

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

WRIT PETITION NO. 7900 OF 2015

MOHD SIKANDAR MOHD MAULANA

VERSUS

THE DIVISIONAL CASTE SCRUTINY AND VERIFICATION COMMITTEE,
LATUR AND OTHERS

...

Advocate for Petitioner : Shri Gaware Niteen V.

AGP for Respondents/ State : Shri A.R.Kale.

...

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

DATE :- 08th June, 2017

PC.:

1 Heard both sides. Perused the petition and annexures thereto.

2 The Petitioner submits that on 12.01.2015 he addressed the complaint/ communication to the Research Officer and Member Secretary, Divisional Caste Certificate Scrutiny Committee No.2, Latur. The complaint of the Petitioner, by this communication at Exhibit D, is that the recipient of the Certificate of Validity (i.e. Respondent No.4 herein) has obtained the said certificate by holding back the vital documents, as also, by bringing on record dubious and suspicious material. Illustrations in that regard, according to the Petitioner's Advocate, were pointed out in the application/ complaint at page 35, which are eloquent enough.

3 With the assistance of the Petitioner's Advocate, we have perused this petition carefully. In paragraph 2 of the complaint/application, the Petitioner pointed out as to how the certificate or document which is dubious, according to the Petitioner, was produced. In support of her claim, Respondent No.4 relied upon the certificate of validity issued to one Abdul Hafiz Abdul Karim. The affidavit placed on record, as also, this certificate is false because Respondent No.4 adopted the stand before some other authority that her father resides at Mauje Manvat, Taluka Pathari, District Parbhani and has agricultural land belonging to him situated within the jurisdiction of the said village. He has also produced 7/12 extract. However, this very gentleman Abdul Hafiz Abdul Karim, who was referred to as father by Respondent No.4, is now referred as cousin during the proceedings before the Caste Scrutiny Committee. It is in these circumstances and falsifying the stand of Respondent No.4 including doubting genuineness and correctness of the family tree, that the Petitioner invoked the Caste Scrutiny Committee's powers.

4 Since there is complete inaction on the part of the Caste Scrutiny Committee, the Petitioner has approached this Court. Upon perusal of the complaint/ application at Exhibit-D, we clarify that we have expressed no opinion on the rival contentions. We do not wish to say anything about the Caste Scrutiny Committee's powers as well.

5 In the facts and circumstances of this case all that we clarify is that the Petitioner's Advocate submits that the application/ complaint at page 35 is traceable to 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) and invokes that power of the Scrutiny Committee. If that is so, the Scrutiny Committee, in this case, shall deal with this application/ complaint in accordance with law. In the event, the Scrutiny Committee decides to probe it further, it should call upon Respondent No.4 to appear before it and it is only after compliance with the principles of natural justice, it should reach any conclusion.

6 We clarify that Respondent No.4 can raise all contentions including the point of maintainability of proceedings and jurisdiction of the Scrutiny Committee. We dispose of this Writ Petition with the direction to the Scrutiny Committee to deal with the said complaint as expeditiously as possible and endeavour to dispose of the same within a period of FOUR MONTHS from the date of receipt of the copy of this order.

7 The Writ Petition is, accordingly, disposed of.

(MANGESH S. PATIL, J.)

(S.C. DHARMADHIKARI, J.)