

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

17 WRIT PETITION NO. 4464 OF 2016

MANDABAI ANKUSH VEER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Thombre S. S.
AGP for Respondents State: Mr. V. M. Kagne
Advocate for Respondent No.4 : Mr. V. D. Sapkal

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 23rd February, 2017

ORDER:

1. Heard Mr. Thombre, the learned counsel for the petitioner, Mr. V. D. Sapkal for respondent No.4 and Learned AGP for the State.

2. Mr. Thombre, the learned counsel submits that the validity certificate has been obtained by respondent No.4 by playing fraud. According to Mr. Sapkal, the validity certificate has been issued by the authority in the year 2011. The learned counsel relies on the order passed by the Division Bench of this Court in Writ Petition No.3129/2009 dated 22.09.2009. Para 10 and 11 of the said order reads as under:

"10. Considering the rival submissions across

the bar we are of the opinion that once the complaint is lodged before the Scheduled Tribe Caste Scrutiny Committee, then it is for the Divisional Scrutiny Committee to look into the matter whether the caste validity certificate is obtained by practicing fraud on the Scrutiny Committee.

11. In the premise, without touching to the merits of the matter, we hereby quash and set aside the communication dated 13/03/2009 and remit the matter back to the Scrutiny Committee to hear all the parties concerned in accordance with Law in the matter of Complaint lodged by the petitioner about issuance of caste validity certificate to respondent No.4. For the expedite hearing, we hereby direct the petitioner, the 4th respondent and 5th respondent to appear before the Scrutiny Committee on 06/10/2009, and the Scrutiny Committee to decide the claim or allegation in the complaint of the parties within 6 months thereafter. It is hereby made clear that the order passed in the present writ petition is passed without touching the merits of the matter and all the points are kept open to be raised before the Scrutiny Committee."

3. Considering the above, Mr. Thombre, the learned counsel submits that the petitioner would file objection within a week before the Committee.

4. In case, such objection is filed, the committee

shall decide the claim/objections expeditiously, preferably within six months, of course, after hearing the parties.

5. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC