

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**WRIT PETITION NO.10449 OF 2017**

Abdul Javeed Abdul Rasheed,  
Age : 34 years, Occupation: Business,  
Aamir Manjil Qurbal Ali Shah,  
Parbhani District Parbhani.

...Petitioner

Versus

- 1) The State of Maharashtra  
Through The Secretary,  
Tribal Development Department,  
mantralaya, Mumbai.
- 2) The Committee for Scrutiny of Caste  
Certificates for SC, ST, NT, OBC and SBC,  
Aurangabad Region, Aurangabad  
Through its Chairman,  
The Additional Commissioner (Revenue),  
Aurangabad Division, Aurangabad.
- 3) The Sub Divisional Officer @  
Sub Divisional Magistrate, Parbhani, District  
Parbhani.
- 4) Mohmad Nayeemuddin Momad Yaseen,  
Age: 44 years, Occupation : Business,  
Resident of: Turabul Haq Nagar,  
Darga Road, Parbhani.

...Respondents

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Mr. M. S. Kulkarni, Advocate for petitioner  
Mr. S. B. Yawalkar, AGP for respondents No.1 to 3/ State  
Mr. V. D. Sapkal, Advocate for respondent No.4

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**CORAM : S. V. GANGAPURWALA &  
SMT. VIBHA KANKANWADI. JJ.  
DATE : 31-10-2017**

PER COURT :

1. Heard Mr. M. S. Kulkarni, the learned counsel for the petitioner, Mr. V. D. Sapkal for respondent No.4 and learned AGP for the State.
2. Mr. M. S. Kulkarni, the learned counsel submits that, the validity certificate has been obtained by respondent No.4 by playing fraud. According to Mr. V. D. Sapkal, the validity certificate has been issued by the authority in the year 2007. The learned counsel relies on the order passed by the Division Bench of this Court in Writ Petition No.3129 of 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 4<sup>th</sup> respondent and 5<sup>th</sup> 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<sup>3</sup> 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. M. S. Kulkarni, 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.

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**

**[S. V. GANGAPURWALA]**  
**JUDGE**

vjg/-.