

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

WRIT PETITION NO. 7775 OF 2017

FAKIR ARBAZ SHAHAL SHBBIR SHAHA MINOR THROUGH GUARDIAN
FAKIR SHABIR SHAHA FATTUSH
VERSUS
DIVISIONAL CASTE SCRUTINY COMMITTEE NO 2 DHULE AND OTHERS

...
Advocate for Petitioner : Shri Joshi Hrishikesh A.
AGP for Respondents/State : Shri A.R.Kale.
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**CORAM: S.C. DHARMADHIKARI
AND
MANGESH S. PATIL, JJ.**

DATE :- 20th June, 2017

PC.:

1 The Petitioner is claiming that for want of the Certificate of Validity, he will not be able to pursue the engineering course. The Petitioner says that inaction is completely of the Scrutiny Committee. Yet, the College is insisting that in the absence of the Caste Validity Certificate, the Petitioner's result of the first year engineering examination cannot be declared. So is the stand of the University, according to the Petitioner's Advocate. All this is because Respondent No.1 Scrutiny Committee is unable to complete the process in terms of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No.XXIII of 2001) expeditiously.

2 If the claim is forwarded to the Scrutiny Committee by communication dated 28.12.2015, in June, 2017 why the scrutiny and

verification could not be completed, is not clarified to us. In every matter of this nature, we find that the Scrutiny Committee sits over the claims. It refuses to hold any inquiry or investigation, much less a full fledged scrutiny and verification. It may be flooded with applications/ claims, but we do not think that because there are number of applications or proceedings, the Scrutiny Committee should work in this fashion and manner. It is defeating the mandate of the State Legislation completely. The Scrutiny Committee should now display and on it's website the date of receipt of applications/ claims year-wise, their pendency and their disposal, if not already displayed. If the application of 28.12.2015 was taken up only once as claimed by the Petitioner, then, we do not see any reason or justification for the inaction.

3 In these circumstances we direct the Scrutiny Committee to complete it's process within THREE MONTHS from the date of receipt of the copy of this order. In the meanwhile, subject to the decision of the Scrutiny Committee and without creating any equities in favour of the Petitioner, Respondent Nos.2 and 3, namely, University and College, should declare the Petitioner's result, if it is withheld.

4 The Writ Petition is, accordingly, disposed of.