

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

PUBLIC INTEREST LITIGATION NO.49 OF 2018

Ambadas Ramkishan Akulwad

... **Versus** ...

Union of India & ors.

...

Mrs. Ranjana D. Reddy, Advocate for the petitioner

Mr. D.G. Nagode, Advocate for the respondent No.1

Mrs. G.L. Deshpande, AGP for the respondent Nos.2 to 5/State

...

**CORAM : P.B. VARALE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 21st DECEMBER, 2018

PER COURT :

1 By way of the present Public Interest Litigation the petitioner is before this Court with two prayers viz. Prayer clause 'B' and 'C'. In so far as prayer clause 'B' is concerned, the grievance seems to be of delay in decision on the aspect of social status of a candidate. It is a known fact that a Special Act is now operating viz. The Maharashtra Scheduled Caste, Scheduled Tribes, other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Act. A

candidate's desirous of assessment of his social status is at liberty to go before the competent forum and the forum so constituted under the Act undertakes the exercise and ultimately issue the certificate popularly known as Validity Certificate. It is also not in dispute, the Act provides the various procedural aspects in the process of the decision and these are the formalities specified in the Act. There is no question of giving any go bye to the procedural aspect of the Act. The prayer clause 'B' also proceeds on erroneous impression and assumption of the petitioner that there is a requirement of arranging process for having infrastructure. At the costs of repetition, we state that the infrastructure in the Forum of various committees at Division level is made available to the desirous candidates seeking their assessment of social status and ultimately praying for issuance of caste validity certificate/certificates. In view of this situation we are not inclined to consider prayer 'B'.

2 In so far as prayer clause 'C' is concerned, the petitioner prayed for directions to decide the representation dated 27.02.2018. Copy of the representation is placed on record. Perusal of the copy of representation shows that the representation is addressed to the Secretary, Law and Judiciary Department, Mantralaya, Mumbai. Perusal

of these representations show that the representations are submitted to the Secretary, Law & Judiciary Department and the Secretary of Tribal Development, Mantralaya, Mumbai.

3 Notice was issued to the respondents. The learned AGP submitted that the State in general and the authorities in particular before whom representation is submitted having no objection would decide the representation on its own merits. The statement of the learned AGP takes care of prayer 'C' of the petition.

4 Resultantly, we dispose of the petition with direction to respondent Nos.3, 4 and 5 to decide the representations dated 27.02.2018 as expeditiously as possible. Needless to state on the merits of the representations.

(Smt. Vibha Kankanwadi)
JUDGE

(PB. Varale)
JUDGE

agd