

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

965 WRIT PETITION NO. 3594 OF 2013

MANOJ S/O RAMESH THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Anil S. Golegaonkar & Mr. N. L. Choudhari.

AGP for Respondent Nos.1 & 2 : Mr. S. J. Salgare.

Advocate for Respondent No.3 : Mr. Anand P. Bhandari.

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CORAM : **T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 31st October, 2018.

PER COURT:

. Today, the learned APP produced on record communication of the Caste Scrutiny Committee showing that the Petitioner is not cooperating. On the other hand, the learned counsel for Petitioner submitted that the Petitioner had appeared before the Committee and he produced photostat copy of some record filed before the Committee in the month of August 2016. The learned counsel for Petitioner drew attention of this Court to the order made by this Court in Writ Petition No.6763 of 2016 on 8th August, 2016. It is submitted that the purpose will be served if the present proceeding is disposed of in terms of the order made by this Court in Writ Petition

No.6763 of 2016, which can be seen in paragraph Nos.9 and 10 of the order. Paragraph Nos.9 and 10 of the aforesaid order read as under:

“9 In view of the decisions rendered in the matter of Shrikant V/s State of Maharashtra as well as in the matter of Dadasaheb, the petroleum Company cannot insist upon the petitioner to tender validation certificate within the time stipulated in the communication or in the advertisement. Apart from this in the peculiar facts of the case, since the interest of none of the candidates, is likely to be affected and the petitioner is the only candidate, found to be eligible during the process, we direct the petroleum Company to issue letter of authorization to the petitioner, subject to furnishing an undertaking to tender validation certificate after decision by the scrutiny committee. It is clarified that the selection of the petitioner as a dealer shall be subject to production of the validation certificate issued by the competent scrutiny committee and in the event of his failure to substantiate his claim for issuance of validation certificate i.e. in the event of adverse decision by the scrutiny committee, he shall not be entitled to claim equity.

10 Respondent No.2 scrutiny committee is directed to decide the validation claim of the petitioner pending with the committee as expeditiously as possible and preferably within a period of six months from today.”

2 In aforesaid terms, the present proceeding is also disposed of. The Petitioner to remain present before the Committee on 13th November, 2018 at 11:00 am.

ndm

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]