

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

WRIT PETITION NO. 8014 OF 2015

Pooja Anil Jadhav

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....
Mr. Pradeep Deshmukh, Advocate h/f Mr. Y.P. Deshmukh, Advocate for petitioner.

Mr. S.B. Joshi, A.G.P. for respondent nos. 1 and 2.

Mr. M.A. Golegaonkar, Advocate for respondent no.3.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 26th OCTOBER, 2018

ORDER :

The petitioner assails the validity certificate issued in favour of respondent no.3 of converted Christian (Other Backward Class).

2. Mr. Deshmukh, the learned Counsel for the petitioner submits that after filing the present writ petition, the petitioner has filed complaint with the committee on 21st April, 2016 and same is replied by the committee on 27th April, 2016. He submits that the validity has been issued without conducting vigilance so as to the certificate of Baptism and the Church, who issued said certificate, is registered or not.

3. According to Mr. Golegaonkar, the learned Counsel for respondent no.3, as per Rule 17(3) of Maharashtra Scheduled Castes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012, if the committee is satisfied on the basis of the documents produced, then vigilance is not required to be conducted. The documents produced by respondent no.3 viz.:- Baptism is genuine and issued by the registered Church.

4. In the present matter, we are not going through the genuineness of the documents produced. The petitioner, after filing of the petition, has approached the committee and filed a complaint with regard to the validity issued in favour of respondent no.3. In that scenario, the committee may decide the complaint filed by the petitioner. The committee may issue notice to the present respondent no.3. After issuing such notice, respondent no.3 may file say to the complaint. The committee shall thereafter take decision about issuance of validity in favour of respondent no.3. It is only in case of fraud, the committee will be entitled to reopen the proceedings. Prior to the reopening of the proceeding, the committee will be required to take decision on the complaint of the petitioner after hearing respondent no.3 and shall give

decision on the complaint of the petitioner as whether the complainant, prima facie, has brought the material for reopening the case. Same shall be done within a period of six months from appearance of the parties. If the committee comes to the conclusion for reopening the case, then the parties have liberty to take appropriate steps. All contentions of the respective parties are kept open. The parties shall appear before the committee on 05th November, 2018. In view of the fact that date of appearance is given, it would not be open for the committee to issue notice. In light of the above, writ petition is disposed of. No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

SSD