

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

WRIT PETITION NO.1734 OF 2019

**SHAIKH AAQUIB BIN MUHAMMAD S/O MUHAMMAD ABDUL HAKEEM
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. A.N. Ansari, Advocate for the petitioner

Mr. S.S.Dande, AGP for the respondent/State.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 06.02.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. Considering the grievance is raised by the petitioner on the backdrop of the submissions of the counsel as well on the backdrop of the documents placed on record, we are of the opinion that the petition can be disposed of at the admission stage.
3. The petitioner is a young boy of 18 years of age and after completing his 12th standard examination he approached the Principal of Dr. Zaikr Hussain Junior College, Parbhani for admission. As the petitioner belongs to Beldar community and was possessing a necessary certificates, the claim of the petitioner for validation was forwarded to the Caste Scrutiny Committee. The copy of the forwarding letter issued by the Principal of Dr. Zaikr Hussain Junior College, Parbhani dated 27.07.2017 is placed on record at page 17 of the paper book of the petition. The petitioner also

placed on record the proforma/application submitted by the petitioner to the Scrutiny Committee. The proforma/application refers to the documents i.e. the important primary documentary evidence submitted by the claimant. Learned counsel for the petitioner submitted that the petitioner has placed on record the validity certificate issued in favour of the nearest relatives of the petitioner alongwith the application form as well the family tree by way of an affidavit is also submitted to the Scrutiny Committee. Learned counsel then submits that the petitioner was surprised to receipt a communication dated 20.10.2018 received by the petitioner on 24.01.2019.

4. By inviting our attention to the copy of the said communication which is placed on record at Exh.'C', learned counsel for the petitioner submitted that by way of mechanical reference, it is stated in the communication that though the petitioner was informed by way of Short Messages Services (SMS) to submit the necessary documents, the petitioner failed to comply with these deficiencies as well the claim of the petitioner, the matter is disposed of reserving the right of Committee of validation of claim. Learned counsel for the petitioner submitted that the proposal itself is returned back by way of communication dated 20.10.2018.

5. Learned counsel then invited our attention to the documents placed on record to submit that on 21.03.2018 the petitioner submitted an application to

the Research Officer District Scrutiny Committee. Perusal of this application shows that the petitioner personally attended the office of the Scrutiny Committee and made enquiry about his pending claim. The petitioner was informed to submit certain documents thereby comply the deficiencies. The petitioner was informed to submit the copy of the transfer certificate of the real uncle, of the real aunt and of the father of the petitioner. The petitioner alongwith the application submitted the original documents to the Committee and had already submitted the copies to the Committee. Learned counsel then by inviting our attention to the copy of bonafide certificate issued in favour of the petitioner on 26.07.2017 that even this document was submitted to the Committee but the Committee in letter dated 20.10.2018 mechanically observed that the petitioner failed to submit the bonfide certificate.

6. Our attention was also invited to the copy of the application submitted by the petitioner to the Scrutiny Committee on 06.09.2017 and 13.11.2017. Learned counsel for the petitioner was justified in submitting before us that the petitioner specifically stated in these representations that the claim was pending before the Committee with a remark that the claim is pending for hearing as such the petitioner requested the Committee to undertake an exercise of early hearing and also expressed his willingness to cooperate the Scrutiny Committee by attending the Committee as and when the Committee directs.

7. Learned counsel for the petitioner submitted that even today the petitioner is ready to provide a compilation of copy of all the relevant documents to the Committee which are already submitted to the Committee for the early decision of the claim. Learned counsel submits that as the petitioner is at the stage of completing of his 12th standard course and would be desirous seeking admission for the professional courses and to the petitioner stake his claim as a candidate belonging to reserve category the petitioner is in earnest need of the validation of claim.

8. We see no reason not to accept the submissions of the learned counsel on the backdrop of the documents placed on record. Learned counsel for the petitioner was also fair enough to submit before this Court that the petitioner is ready to extent full cooperation to the Scrutiny Committee by providing compilation of the copies of all the necessary documents.

9. Thus, we are of the opinion that the learned counsel for the petitioner made out the case for entertaining the petition. Learned counsel for the petitioner was also justified in submitting before us that when the petitioner had approached the Committee by way of an application dated 21.03.2018 submitting the Committee that the petitioner is providing the original documents facilitated the Committee for its decision, the Committee had no reason to record in the order dated 20.10.2018 that though the petitioner was informed through Short Messages Service the petitioner failed to

comply the directions of the Committee or failed to comply the deficiencies.

10. Resultantly, we allow the petition partly by quashing and setting aside the order of the Committee dated 20.10.2018. The petitioner is permitted to appear before respondent No.2- Scrutiny Committee on 18.02.2019 alongwith compilation of copies of all the documents. The petitioner to submit this compilation to the Committee and seek an endorsement of the Committee. The Committee may also inform the petitioner at that point of time itself of any appearance of the petitioner needed by the Committee in the process of the decision of the claim. By undertaking all these exercise respondent No.2-Committee to decide the claim of the petitioner as expeditiously as possible and not later than 12 weeks from the date of order of this Court.

11. With these above directions, writ petition is disposed of.

12. Parties to act upon authenticated copy of the order of this Court.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]