

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1931 OF 2019
IN
WRIT PETITION NO. 3185 OF 2019**

Mahesh s/o.Ashok Pentewad

....Applicant/
Org. Petitioner

versus

The State of Maharashtra and ors.

....Respondents

Mr. S. B. Talekar with Ms. Madhavi Ayyappan i/b. Talekar and Associates, advocates for the applicant/org.petitioner.
Mrs. M. P. Thakur, AGP for the State.

**CORAM : RANJIT MORE &
N. J. JAMADAR, JJ.**

DATE : 20th AUGUST, 2019.

P. C. :

1. Heard Mr. Talekar, learned counsel for the applicant/petitioner and Mrs. Thakur, learned AGP for the State.

2. The petitioner- Mahesh Ashok Pentewad and his two sisters viz. Vidya Ashok Pentewad and Surekha Ashok Pentewad claim to be belonging to "Mannerwarlu – Scheduled Tribe". Accordingly, they obtained caste certificates from Sub-Divisional Officer, Kinwat, and they applied to respondent No.2- Scrutiny Committee for validating the same. By a common order dated 27th November, 2018, respondent No.2 – Scrutiny Committee rejected the caste claim of the petitioner and his

sisters that they belong to “Mannerwarlu-Scheduled Tribe”. The petitioner, thereafter, preferred writ petition No.3185 of 2019 before this Court. On 22nd July, 2019, the Division Bench disposed off said petition by setting aside the order of respondent No.2-Scrutiny Committee and remanded the matter to respondent No.2-Scrutiny Committee with direction to decide the claim of the petitioner afresh within a period of two months.

3. In terms of the order dated 22nd July, 2019, passed in writ petition No.3185 of 2019, respondent No.2-Scrutiny Committee is obliged to decide the validity of the petitioner and his two sisters’ caste claim on or before 29th July, 2019. A common statement is made across the Bar that the petitioner and his two sisters are called for hearing today before respondent No.2-Scrutiny Committee.

4. The present civil application came to be filed by the petitioner for direction to respondent No.2-Scrutiny Committee to decide his Tribe claim within one week. The petitioner is constrained to file this application as his sister – Miss Vidya Ashok Pentewad was selected for BDS Course and the last date of submission of caste validity certificate is 30th August, 2019.

5. The civil application was placed for orders on 16th August,

2019. On that day, we directed learned AGP to take instructions about expeditious hearing regarding validity of the caste claim of the petitioner and his sisters. Mrs. Thakur, learned AGP, having obtained instructions, stated that respondent No.2-Scrutiny Committee will try their best to dispose off the caste claim of the petitioner and his two sisters at the earliest. She also stated that the petitioner and his two sisters are called upon today for hearing before respondent No.2-Scrutiny Committee.

6. In the above facts and circumstances, especially in the light of observations made in order dated 22nd July, 2019 passed in the above writ petition, respondent No.2-Scrutiny Committee is required to consider only two documents i.e. Khasra Pahani Patrak of Fasli 1351 and validity certificate in favour of the cousin uncle of the petitioner coupled with the fact that the petitioner's sister will lose admission to Dental Course, we are inclined to accede to the petitioner's prayer and issue following directions :

(i) Respondent No. 2 - Scheduled Tribes Certificates Scrutiny Committee, Aurangabad Division, is directed to decide the tribe claim of the petitioner and his two sisters as expeditiously as possible and within a period of one week from today i.e. on or before 27th August, 2019.

(ii) Learned AGP shall communicate this order to respondent No.2- Scheduled Tribes Certificates Scrutiny

Committee, Aurangabad Division, by fax during the course of the day.

(iii) The decision of respondent No.2- Scheduled Tribes Certificates Scrutiny Committee, Aurangabad Division, shall be communicated to the petitioner and his sisters forthwith.

7. The civil application stands disposed off.

8. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]