

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

**903 CIVIL APPLICATION NO.264 OF 2020  
IN WRIT PETITION NO.10753/2018**

**THE STATE OF MAHARASHTRA AND OTHERS  
VERSUS  
SANA ADNAN SAYYED AND ANOTHER**

...  
A.G.P.for Applicants State : Mr S B Yawalkar  
Advocate for the petitioner : Mr. V. A. Dhakne

CORAM : PRASANNA B. VARALE &  
ANIL S. KILOR, JJ.

DATE : 14th January, 2020

**ORDER:**

1. Heard Mr Yawalkar, learned A.G.P. for the applicants State and learned counsel appearing for respondent Nos. 1 and 2.
2. By inviting our attention to the order dated 30.09.2019 in Writ Petition No.10753/2018, the learned A.G.P. submits that the Division Bench of this Court directed the Scrutiny Committee to decide the validation proceeding in respect of respondent No.5 i.e. respondent No.2 in the present application, within three months from the date of appearance of the parties. The parties were directed to appear before the Committee on 7<sup>th</sup> October, 2019. Learned A.G.P. invited our attention to the grounds stated in the application to submit that for these reasons, the applicants pray for extension of period to decide the validation proceeding.
3. On going through paragraph 2, it reveals that paragraph 2

of the application refers to certain procedural formalities and there cannot be serious objection to this procedural formalities. Interestingly, we were taken by statement in paragraph 3 and the same reads thus:

“The applicant submits that Scrutiny Committee, Beed have Incharge President. The applicants say and submit that Incharge president has to work for the Committees at Ahmednagar, Akola, Buldhana and Beed. The applicants have issued notices for hearing to the parties on 20.12.2019 and has called on 08.01.2020 as per the schedule..... The applicants submit that hearing will take some more time as the concerned respondents would be submitting their say to the vigilance report and thereafter further hearing will take place. The applicant therefore submits that further three months time would require to decide the validation proceedings of respondent No.2. “

4. The statement referred above that the Incharge President has to work for the Committees at Ahmednagar, Akola, Buldana and Beed leads to create reasonable impression that if one person is to look after the validation proceedings of four Committees, then it would certainly result in delay and pendency of the claims at those respective Committees at Ahmednagar, Akola, Buldana and Beed.

5. It is a common knowledge that number of validation claims are pending before the Committee and then there are directions

issued by this Court in the matters to decide the claims within stipulated period, considering the urgency, such as claims are filed by the students who are prosecuting their studies and are desirous of seeking admissions to various professional courses or the claims where an early decision is expected in view of the person occupying certain seats in the election of the representatives at various levels. When the State Government itself is aware of this fact and approaching this Court time and again for extension of period, one fails to understand, what prevents the State Government to take appropriate steps to see that these Scrutiny committees are manned by properly appointed members. Asking a President of one Committee to act as Incharge President of 2/3 other Committees at one time would result in hampering the work and this is certainly not either in the interest of the State or in the interest of number of claimants, who are before the Committees.

6. Thus, we are of the opinion that it would be necessary for this Court to seek response from applicant No.1 i.e. the Secretary, Social Justice and Special Assistance Department, Mantralaya, Mumbai by way of affidavit-in-reply to state what steps and measures would be taken by the State Government to consider the situation so that there is reasonable pace in the decision of the claims. Affidavit be filed within two weeks from today.

7. The application be posted after three weeks i.e. on 04.02.2020.
8. Prayer clause (B) seeking extension of three months is allowed.
9. Authenticated copy to the learned A.G.P.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

JPC