

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1178 OF 2020
IN WRIT PETITION NO. 10052 OF 2019

AND
WRIT PETITION NO. 10052 OF 2019

VISHAL BHAGWANRAO CHANDEL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. S.K. Chavan, Advocate for applicant-petitioner
Mr. Y.B. Gujrathi, AGP for respondent - State
...

CORAM : SUNIL P. DESHMUKH &
M.G. SEWLIKAR, JJ.
DATE : 17-08-2020

ORDER :

1. Despite service twice, respondents no. 3 and 4 have failed to put in appearance showing that they have no resistance to offer to the present writ petition and the civil application.
2. Originally, writ petition had been filed against decision dated 23-02-2018 passed by respondent no. 2 – Caste Scrutiny Committee, Nanded invalidating the caste claim of petitioner, and, as such, the direction had been sought to issue validity certificate to petitioner forthwith with a further direction to respondents no. 3 and 4 to declare the result of petitioner/applicant and to supply to him original mark-sheet/original certificates/transfer certificate/passing

certificate etc. and other necessary documents within stipulated period.

3. Subsequently, it appears that statement had been made before the court as referred to in order dated 14-08-2019 to the effect that respondent no. 2 - Committee is withdrawing impugned order and would issue validity certificate to petitioner of being from Rajput Bhamta (V.J.). Accordingly, it appears that the respondent no. 2 – Committee has issued validity certificate to petitioner.

4. While copies of the same have been submitted to respondents no. 3 and 4, those have not been heeded and the documents as referred to above are not being supplied to petitioner. In the circumstances, present civil application has been filed.

5. In the writ petition as well as in present civil application, no appearance is caused on behalf of respondents no. 3 and 4, despite service on them. It appears that, said respondents are not interested in opposing the claims and the reliefs claimed under writ petition and the civil application.

6. Since the validity certificate has been issued to petitioner, the purpose underlying the writ petition gets substantially met with and it appears that the respondents may have to return to petitioner the excess amount collected under the heads as mentioned in prayer clause (E) of writ petition.

7. Accordingly, writ petition is allowed in terms of prayer clause (E) and civil application is granted in terms of prayer clause (B) and are disposed of.

[M.G. SEWLIKAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

arp/