

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

29 WRIT PETITION NO.14313 OF 2018

**MOHAMMED JAVED HAJI ABDUL GANI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr Sayyed Tauseef Yaseen
AGP for Respondents State: Mr S. G. Sangle
Advocate for Respondent No.5 : Mr. Girish K. Naik-Thigale

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

DATE : 2nd January, 2020

ORDER:

1. Heard Mr Sayyed learned counsel appearing for the petitioner.
2. Though notice is issued by this Court on 16.01.2019, on perusal of the petition, it reveals that the entire exercise of the petitioner in approaching this Court raising challenge to the validity issued in favour of respondent no.5 is without complying with the pre-requisite namely approaching competent Caste Scrutiny Committee raising objection before the Committee in the matter of issuance of validity certificate. It is not in dispute that such procedure is within the compass and canvass of the Committee's jurisdiction. It is also not in dispute that on receiving such objection, the competent Caste Scrutiny Committee may verify the record and/or call upon the parties for hearing and then may take appropriate decision. Learned counsel Mr. Sayyed was fair enough to submit before this Court that such exercise is not undertaken by the petitioner. Mr. Sayyed further submitted that this is only a bonafide mistake of the petitioner.

3. At this stage, Mr. Sayyed, learned counsel for the petitioner payed for withdrawal of the petition with liberty to approach competent Scrutiny Committee by submitting proper objection. Mr. Sayyed then submitted that the Committee may only be directed to decide the objection expeditiously.

4. Considering the submissions of Mr. Sayyed, learned counsel for the petitioner, the petition is allowed to be withdrawn with liberty to approach the Scrutiny Committee by filing proper objection before the Committee.

5. In case such objection is filed by the petitioner within two weeks from today, the competent Scrutiny Committee to decide the same as expeditiously as possible and not later than ten weeks from the date of receipt of objection.

6. With these directions, the writ petition is disposed of as withdrawn.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

JPC