

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3552 OF 2019

Kalpesh Ashok Koli

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. Kalpesh Patil i/by Mr. Dinesh R. Shinde for the Petitioner.

Smt. P. N. Diwan, AGP for the Respondent Nos.1 and 2.

**CORAM: R. D. DHANUKA AND
R. I. CHAGLA, JJ.**

**DATE : 14th JULY, 2021.
(Through Video Conference)**

P.C. :-

- . Rule. Learned counsel for the respondents waive service.
2. Leave to amend is granted to the petitioner for deleting the respondent no.3 as a party. Amendment to be carried out forthwith. Re-verification is dispensed with.
3. Writ Petition is heard finally by consent of parties.
4. By this Writ Petition filed under Article 226 of the Constitution of India, the petitioner seeks an order and direction against the respondent no.2-Scheduled Tribe Certificate Scrutiny Committee, Nashik to decide the tribe claim of the petitioner in accordance with law, in such time limit as this Court deems fit and proper in the interest of justice. The petitioner claims that he belongs to 'Koli Mahadeo'

community and obtained caste certificate dated 8th August, 2012 from Sub Divisional Officer, Niphad Division, Niphad, Dist. Nashik. The College S.S.V.P.S's Bapusaheb Shivajirao Deore College of Engineering issued letter dated 1st April, 2013 to the petitioner requesting to submit caste validity certificate immediately as petitioner's result was withheld by the University. In order to protect the admission and for allowing him to appear for the examination, the petitioner approached this Court by filing Writ Petition No. 3628 of 2013. This Court by an order dated 12th April, 2013 permitted the petitioner to appear for the examination of the third year.

5. Thereafter, this Court by an order dated 12th August, 2013 allowed the Writ Petition No. 3628 of 2013 by directing the Scrutiny Committee to decide the caste claim of the petitioner within the period of three weeks from the date of the receipt of the order and further directed to declare the result of the petitioner. In spite of these directions by this Court in Writ Petition No. 3628 of 2013, the respondent no.2-Scrutiny Committee has till date not decided the caste claim of the petitioner. Hence, this petition is filed.

6. Learned counsel for the petitioner submits that the respondent no.2-Scrutiny Committee has since 2013 failed to decide the caste claim of the petitioner within three weeks as directed by this Court in Writ Petition No. 3628 of 2013 or even thereafter. He submits that the respondent no.2-Scrutiny Committee has committed Contempt of the said order dated 12th August, 2013.

7. Heard the submission of the learned counsel for the petitioner

and the learned AGP for the respondent nos. 1 and 2. We are of the *prima-facie* view that the respondent no.2-Scrutiny Committee is in contempt of this Court's order dated 12th April, 2013, which directed the respondent no.2-Scrutiny Committee to consider the caste claim of the petitioner within a period of three weeks from the date of the order. In spite of those directions, the respondent no.2-Scrutiny Committee has not yet decided the caste claim of the petitioner. However, on considering that instead of issuing contempt notice at this stage, we direct the respondent no.2-Scrutiny Committee to decide the caste claim of the petitioner within a period of six weeks from today. In the event of caste claim of the petitioner not having been decided within a period of six weeks, appropriate action would be initiated against the respondent no.2-Scrutiny Committee for not complying with both the orders passed by this Court.

8. The order that would be passed by the respondent no.2-Scrutiny Committee shall be conveyed to the petitioner within one week from the date of the passing of such order.

9. In the event that the respondent no.2-Scrutiny Committee decides the caste claim adversely to the petitioner, the petitioner is granted liberty to file appropriate proceeding.

10. Writ Petition is disposed of in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

[R. I. CHAGLA, J.]

[R. D. DHANUKA, J.]