

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1791 OF 2019

NITUL SHIVAJIRAO PATIL)...PETITIONER

V/s.

**STATE OF MAHARASHTRA)
THROUGH ITS SECRETARY, TRIBAL)
DEVELOPMENT DEPARTMENT & ORS.)...RESPONDENTS**

Mr.R.K.Mendadkar, Advocate for the Petitioner.

Mr.Rajan Pawar, AGP, for Respondent Nos.1 to 3.

Mr.P.D.Dalvi, Advocate for the Respondent No.5.

**CORAM : R. D. DHANUKA &
V. G. BISHT, JJ.**

DATE : 1st JULY 2021

P.C. :

1 By this petition under Article 226 of the Constitution of India, the petitioner has prayed for issuance of Writ of Certiorari for quashing and setting aside the order dated 28th January 2014 as well as Caste Validity Certificate dated 20th February 2014

issued to the respondent no.4 by the respondent no.2 Committee and in the alternative the petitioner has prayed for deciding the complaint dated 1st June 2017 filed before the respondent no.2 in respect of the Caste Validity Certificate dated 20th February 2014 and the Caste Certificate dated 28th January 2014.

2 Mr.Pawar, learned AGP for the State, on instructions, states that the Scrutiny Committee has already referred some of the documents relied upon by the petitioner to the Vigilance Cell. Statement is accepted.

3 Respondent no.2 shall decide the said complaint dated 1st June 2017 after hearing the petitioner and respondent no.5 and in accordance with law expeditiously.

4 The order passed by the respondent no.2 shall be communicated to both the parties. If any of the party is aggrieved by the said order passed by the respondent no.2, that party would be at liberty to file appropriate proceedings.

5 Since we direct the Scrutiny Committee to dispose off the complaint filed by the petitioner, other prayers sought in the petition do not survive.

6 It is made clear that this court has not expressed any views on the merits of the matter. Respondent no.5 would be at liberty to file reply before the Scrutiny Committee and a copy thereof be served on the petitioner's advocate. Both the parties are at liberty to file their respective objections to the Vigilance Cell reports, if so desired, before the Scrutiny Committee.

7 Writ petition is disposed off in aforesaid terms. No orders as to costs.

(V. G. BISHT, J.)

(R.D.DHANUKA, J.)