

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

**INTERIM APPLICATION NO. 1255 OF 2021
IN
WRIT PETITION NO. 11971 OF 2018**

Omkar Suhas Pawar

...Petitioner

V/s.

State of Maharashtra through Secretary
Tribal Development Dept. & Ors.

...Respondents

Mr. R. K. Mendadkar for the Petitioner.

Mrs. P. J. Gawhane, AGP for the Respondent-State.

**CORAM : NITIN JAMDAR AND
C. V. BHADANG, JJ.**

**DATE : 15 June 2021
(Through Video Conferencing)**

P.C.

. The Civil Application is taken up in a Writ Petition which is pending for admission and therefore, both, the Civil Application and the Writ Petition are taken up for consideration.

2. In the Writ Petition, which is filed on 9 October 2018, the main prayer was to direct the Respondent No.2-Scrutiny Committee to decide the case of the Petitioner i.e. the caste claim of the Petitioner in respect of the validity certificate. At that time,

the Petitioner was desirous of taking admission in the third year of Engineering Degree Course. On 31 October 2018, while issuing notice to the Respondents, the Division Bench granted prayer clause (b) and (c) of the Petition granting provisional admission to the Petitioner as the interim relief.

3. The Writ Petition is thereafter pending. The Civil Application is now taken out in June 2021 to direct the Respondent No.4 College to release the Statement of Marksheet. There is no direction sought that pending claim of the Petitioner before the Scrutiny Committee be decided within a time bound period.

4. Considering the fact that the Petitioner does not possess validity certificate and the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Act of 2000) provides for consequences of obtaining a fraudulent caste certificate, the only order that we inclined to pass is that to direct the Scrutiny Committee to decide the pending caste claim of the Petitioner within a time bound period.

5. Accordingly, the Scrutiny Committee is directed to decide the caste claim of the Petitioner within a period of three months

from today.

6. The Writ Petition and Civil Application stand disposed of accordingly.

(C. V. BHADANG, J.)

(NITIN JAMDAR, J.)