

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2220 OF 2021

Tarun Chandrashekhar Marwadi. ... Petitioner.

V/s.

The Divisional Caste Scrutiny Validity
Committee, Nashik and others.

... Respondents.

Mr.Rameshwar N. Gite for the Petitioner.

Mrs.P.N.Diwan, AGP for the Respondent- State.

CORAM : NITIN JAMDAR AND
C. V. BHADANG, JJ.
(Through Video Conferencing)

DATE : 29 June 2021.

P.C. :

The Petitioner is aggrieved by the letter dated 3 June 2021 issued by Respondent No2- College informing that if the Petitioner does not produce caste validity certificate by 18 June 2021 his admission would automatically stand cancelled. The Petitioner also seeks a direction for the time-bound disposal of the caste validity claim pending before Respondent No.1- Caste Scrutiny Validity Committee, Nashik.

2. The Petitioner took admission in the year 2014 in Respondent No.2- College. He was admitted against the seat in the reserved category. The Petitioner's caste certificate was forwarded to the Caste Scrutiny Validity Committee in the year 2014 for verification. The Petitioner has not placed on record the conditions upon which the Petitioner was admitted in the year 2014, but as is the case in various other matters, the Petitioner would have been directed to give undertaking of production of validity certificate in a particular time.

3. When the Respondent- College, on 3 June 2021, stated that it will take coercive action if the validity certificate is not produced by 18 June 2021, the Petitioner has filed this petition on 22 June 2021. The Petitioner has done nothing for the last seven years from the year 2014 till 3 June 2021 in respect of the caste claim. Now the Petitioner claims equity on the ground that the Petitioner has proceeded to take education. Nothing stopped the Petitioner from approaching this Court earlier to get a direction for time-bound disposal of his caste validity claim. Nothing is placed on record as to the efforts made by the Petitioner. Even the petition is filed after 18 June 2021. The Petitioner was under obligation to produce the validity certificate. It is not possible for us to take any sympathetic view as such orders out of sympathy will encourage other students to follow the same course and defeat the legitimate claims. Section 4 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other

Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 states that the caste certificate alone is not sufficient but it must be accompanied by the validity certificate. The Supreme Court in the case of *Food Corporation of India v. Jagdish Balaram Bahira*¹ has cautioned the Courts from exercising the writ jurisdiction in the cases relating to caste claims, out of misplaced sympathy.

4. In the facts and circumstances, the only order that we will pass is to direct Respondent- Committee to dispose of the pending caste validity claim of the Petitioner within a period of four months from today. Order accordingly. The other reliefs prayed for in the petition are rejected.

5. The petition is disposed of.

(C.V. BHADANG, J.)

(NITIN JAMDAR, J.)

¹ (2017) 8 SCC 670