

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

WRIT PETITION NO.8865 OF 2021

Abdul Mukit Abdul Wahab Khan

...Petitioner

Versus

State of Maharashtra
through its Secretary, Tribal Development
Department & Ors.

...Respondents

Mr. Ramchandra Kanu Mendadkar for the Petitioner

Mr. N. C. Walimbe, A.G.P for the Respondent Nos. 1 & 2—State

CORAM : R. D. DHANUKA &

R. N. LADDHA, JJ.

TUESDAY, 14th DECEMBER 2021

P.C. :

1 Learned A.G.P, on instructions from the Scrutiny Committee states that the vigilance inquiry is still pending and as soon as the vigilance inquiry is completed, within three weeks, an order can be passed on the application for caste claim made by the petitioner.

2 Perusal of the record indicates that the application was filed by the petitioner on 14th October 2020 for grant of Caste Validity Certificate.

The petition is filed only on 8th December 2021. On 3rd December 2021, the petitioner applied for admission by filing a form with the State Common Entrance Test Cell. On the basis of the dates prescribed by the State Common Entrance Test Cell, now an application is made that the Scrutiny Committee shall decide the matter on or before 21st December 2021.

3 We cannot direct the Scrutiny Committee to decide the matter by ignoring the mandatory provisions 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 (Maharashtra Act No. XXIII of 2001) and to decide the matter hurriedly without complying with the mandatory procedure. Though we have full sympathy for the students, artificial urgency cannot be created in this manner.

4 We accordingly direct the Scrutiny Committee to decide the said application dated 14th October 2020 expeditiously, after completing the vigilance inquiry.

5 Writ petition is disposed of on the aforesaid terms. No order as to costs.

(R. N. LADDHA, J.)

(R. D. DHANUKA, J.)