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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 WRIT PETITION NO.6069 OF 2022

**OMAR SHAH KHAN RIYAZ SHAH KHAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND ANOTHER**

....

Mr A. N. Kakade, Advocate for petitioner;
Mr S. G. Sangle, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 12th July, 2022

PER COURT:

1. The petitioner has put forth prayer clause (B), which reads as under :-

“B) That by issuing writ of mandamus or any other appropriate writ, order or directions in like nature, the respondent no. 2 may kindly be directed to decide the petitioners caste claim (Case ID) 4/515/EVU/072018/111940 within stipulated period.”

2. The learned Advocate for the petitioner refers to the affidavit filed by the father of the petitioner, dated 17/07/2018, which was filed in support of the claim of the present petitioner. The petitioner's biological sister Khan Nabila Raheen and the petitioner's father Riyaz Shah Khan have been granted validity

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and are held to be 'Tadvi (13)' Scheduled Tribe. So also, his first biological cousin Khan Minhaz Shah Khan and his biological aunts from the paternal side (2 sisters of his father), namely, Khan Arefa and Khan Raisa, have also been granted validity certificates.

3. The learned A.G.P. representing the respondents has taken instructions, that the case of the petitioner is at the stage of commencement of the vigilance cell enquiry.

4. The learned Advocate for the petitioner submits that, he has completed his final year of Civil Engineering from the Government Polytechnic College. His further studies and/or career prospects would depend upon the validity. He contends that, as five validity certificate holders from the same family are held to be belonging to the 'Tadvi (13)' Scheduled Tribe category, the petitioner's case can be considered favourably.

5. In the light of the above, we are of the view that the Judgment delivered by the learned Division Bench of this Court, in **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1, Nagpur, 2010 (6) Mh.L.J.401 : AIR 2010 (6) BOM R 21**, may assist the case of the petitioner.

6. As such, this petition is disposed off, with a direction to the Committee, to complete the vigilance cell enquiry, on or before 15/09/2022. A copy of the vigilance report would be supplied to the petitioner forthwith and a hearing in the matter would be posted in between 26/09/2022 till 30/09/2022. The petitioner would render wholehearted co-operation and would not seek an adjournment. The Committee shall, thereafter, deliver it's order, on or before 20/10/2022.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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