

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

956 WRIT PETITION NO.1114 OF 2022

**DEVANAND GUNWANT SAWARKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr.Biradar R.D.
AGP for Respondent Nos. 1 and 2 : Mr.A.R.Kale
...

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

DATE : 23rd JUNE, 2022.

PER COURT :

1. Leave to delete respondent No. 2, Aurangabad Scrutiny Committee, and add the Nanded Scrutiny Committee, as respondent No. 2. Additions be carried out forthwith.

2. The petitioner is aggrieved by the selection of respondent No. 4, as the 'Principal', on the basis of his claim that he belongs to a particular reserved category.

3. Respondent No. 4 had approached this Court in Writ Petition No. 196 of 2019, being aggrieved that his caste validity certificate of "Koli Mahadev" scheduled tribe, was being subjected to, review of hearing. The Scrutiny Committee issued show cause notice

to reopen the proceedings, on the allegations of fraud by the present petitioner. This Court passed an order on 20th January, 2020, observing in paragraph Nos. 1, 2 and 3 as under :

“1. The petitioner was issued validity certificate of Koli Mahadev, Scheduled Tribe in between 2005 to 2008. On the basis of the complaint received, show cause notice was issued to the petitioners. The petitioner has replied the said notice. Opportunity is also given to the petitioner for hearing.

2. Mr. Vibhute, the learned counsel submits that the respondent does not have power of review. The petitioner has already filed his say to the show cause notice. All the points agitated by the petitioner can be agitated before the Scrutiny Committee. The Committee will certainly consider all the points agitated by the parties.

3. The committee shall pass an order as to whether it is convinced to reopen the proceedings or not. Copy of the said order be given to the parties. The petitioner can agitate against said order as may be permissible. It is only after arriving at the satisfaction that the Committee seeks to reopen the proceedings and such order is passed, the proceeding should be reopened.”

4. The present petitioner contends that the Committee is going slow in the said proceedings. There is a heavy burden on the Committee. The new Committee is now being established for Nanded District and all the matters pertaining to that District, have been placed before the said Committee. Naturally, there being heavy work load.

5. In view of the above, instead of issuing any direction, we

would expect that respondent No. 2, would consider the case of Bhanudas Bhagwanta Putwad, in the reopened proceedings, expeditiously.

6. This petition is, in view of the above, disposed off.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

mahajansb/