

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8710 OF 2023

Suresh Devsing Ghoti .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri A. N. Sabnis, Advocate h/f Shri A. S. Bayas, Advocate for the
Petitioner.

Shri S. G. Karlekar, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : NITIN JAMDAR, ACTING CJ &
S. G. CHAPALGAONKAR, J.**

DATE : 25 JULY 2023.

PER COURT :-

. A view is taken by this Court in Writ Petition No. 8628 of 2023 and other connected petitions by order dated 24 July 2023 that a writ directing the Scrutiny Committee to decide the caste claim expeditiously ought not to be issued without reference to the pendency and categorization, and appropriate course of action to permit the Petitioner to apply to the Scrutiny Committee for expeditious hearing upon which Scrutiny Committee will pass a reasoned order.

2. Relevant portion of the said order reads thus :

The Petitioners in all these petitions seek simplicitor direction to the Respondent Scrutiny Committee to decide their caste claims, which according to the Petitioners are pending since the year 2020/2021.

2. Without there being any material before us as to why the caste claims of the Petitioners are pending before the concerned Scrutiny Committee and whether any older claims are pending, we are not inclined to issue such directions for expeditious disposal. Such order without reference to the pendency would be prejudicial to those who having more pressing urgency and are unable to come the court for various reasons, including of financial one.

3. The appropriate course/action is to direct the Petitioners to make an application to the Scrutiny Committee setting out the reasons why the Petitioners seek urgent disposal. The Scrutiny Committee thereupon, will pass order setting out the reasons for either to grant or reject their applications with reference to the pendency, categorization, urgency, also indicating whether the Scrutiny Committee gives preference to certain categories, etc. We make it clear that even if the Scrutiny Committee chooses to give out of turn preference, the Scrutiny Committee will give reasons while deciding the applications filed by the petitioners, as above. Such order will be the part of record of the Scrutiny Committee pertaining to the Petitioners.

4. After the applications are so filed by the Petitioners, the same would be decided by the Scrutiny Committee within a period of three weeks from the date of filing of such applications, subject to

the earlier time bound commitments of the Committee.

5. According to us, the claimants, who want the verification of claims expedited should not rush to this court seeking directions but should first make application to the concerned Scrutiny Committees for expeditious hearing. After such application is filed, the Scrutiny Committees shall pass orders upon the application, giving reasons for refusing or granting priority. This according to us will assist in genuine case getting expedited and not only those who file petitions in this court, and it will bring transparency in the functioning of the Scrutiny Committee.

2. The same course of action be adopted in the present petition. The writ petition is accordingly disposed of

(S. G. CHAPALGAONKAR, J.) (ACTING CHIEF JUSTICE)

bsb/July 23