

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

CONT. PETITION NO.783 OF 2022
IN WP/9170/2022

PARVIN BEGUM SAYYAD AZIMODDIN ALIAS PARVIN BEGUM KAISAR
KHAN
VERSUS
MAHENDRA U. HARPALKAR AND OTHERS

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Mr. Swapnil Joshi i/by J. P. Legal and Asso, Advocate
for the Petitioner.

Mr. A. R. Kale, AGP, for the Respondent – State.

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**CORAM : SMT. ANUJA PRABHUDESSAI &
R.M. JOSHI, JJ**

DATE : MARCH 01, 2023

PER COURT :

1. The Petitioner herein alleged breach of order dated 14.09.2022 passed in Writ Petition No. 9170/2022.

2. A perusal of the said order reveals that the Petitioner herein had filed the Petition seeking directions against the Respondent No. 2, the District Caste Certificate Scrutiny Committee, Aurangabad, to grant opportunity of hearing to the Petitioner before passing any order in respect of complaint dated 14.12.2016 made by one Afroz Moinoddin Khan regarding caste validity certificate dated 20.09.2012 issued by the Caste Scrutiny Committee in case No. 195/2012.

3. This Court had recorded the statement of learned AGP, which was made on instructions from the responsible officer of the Scrutiny Committee, that the order of cancelling the validity certificate granted to the Petitioner and further invalidating his claim, would not be passed without issuance of notice and without affording an opportunity of hearing to the Petitioner. The Petition was disposed of in view of the said statement made by learned AGP.

4. Learned Counsel for the Petitioner claims that despite the said order, the Caste Scrutiny Committee has passed a final order dated 12.10.2022 without giving an opportunity of hearing to the Petitioner. Learned Counsel for the Petitioner states that under the garb of giving *prima facie* findings, the Committee has considered the entire material and given a final verdict.

5. A perusal of the said order reveals that the committee has only conducted a preliminary inquiry to test the veracity of the allegations made in the complaint lodged by Afroz Khan and has arrived at *prima facie* finding that there is some merit in the

complaint. The said order itself reveals that the Petitioner would be heard in the matter before passing any final order. It is, therefore, evident that the committee has neither cancelled the validity certificate nor invalidated his caste claim without hearing the Petitioner. On the contrary, the order itself states that the Petitioner would be heard in the matter before passing any further orders on the complaint lodged by said Afroz Khan.

6. In the light of the above, in our considered view, there is no breach of the order. Hence, the Contempt Petition stands dismissed.

7. Learned Counsel for the Petitioner seeks stay to the operation of the order.

8. Prayer rejected.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)