



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

WRIT PETITION NO. 11550 OF 2022

**DILIP MURLIDHAR WAGH
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...
Shri Ramchandra K. Mendadkar, Advocate h/f Shri Bayas
Anandsingh S., Advocate for the Petitioner.
Shri M.K. Goyanka, AGP for Respondent Nos.1 to 3/State.
...

**CORAM : MANGESH S. PATIL
&
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 03rd December, 2024

Per Court :-

The petitioner is challenging the order of the Scrutiny Committee whereby, on his request, the claim received by the Committee was dismissed as he was not interested in prosecuting the claim.

2. The learned advocate for the petitioner submits that after passing of the impugned order, the petitioner's real brother (Umakant Murlidhar Wagh) has been found entitled to have the certificate of validity by the Scrutiny Committee at Dhule in its

judgment and order dated 03.06.2023. He submits that since it is a matter of social status, now that the Committee has granted the certificate of validity to the real brother, the petitioner may be permitted to prosecute his claim afresh by going before the Committee and for that purpose, seeks remand of the matter.

3. The learned AGP submits that the petitioner, on his own, had expressly declared before the Committee that he was not interested in prosecuting the claim and has withdrawn it. His request for remanding the matter is an afterthought. There is no reference to the impugned order passed in the petitioner's case, in the judgment in the case of Umakant. Hence, the matter may not be remanded.

4. Admittedly, the impugned order was passed when the petitioner expressly stated that he was not interested in prosecuting the claim, albeit the Committee rejected the claim.

5. Obviously, the real brother of the petitioner having derived the certificate of validity subsequently, the petitioner is now interested in having a similar certificate. It is a matter of social status. The impugned order *ex-facie* demonstrates that the petitioner's claim was not decided on merits. In view of such

state of affairs, no fault can be found with the petitioner in seeking to go back to the Committee and get his claim decided that too in the light of the subsequent validity of his brother Umakant.

6. In the light of the above, the Writ Petition is partly allowed. The impugned order is quashed and set aside. The matter is remanded back to the Scrutiny Committee for a decision afresh on it's own merits. The petitioner shall appear before the Scrutiny Committee on 13.12.2024. The Committee shall decide the proposal expeditiously.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)