



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

968 WRIT PETITION NO. 3518 OF 2025

AYESHA SIDDIQUA SHAIKH ASIF

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
ANOTHER

...

Ms. Ansari Asfia Nuzhat, Advocate for the Petitioner

Mr. Amar V. Lavte, AGP for Respondents State

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

Dated : 27th March, 2025

PER COURT :-

1. Heard both sides.
2. The petitioner is disputing the order passed by the District Caste Scrutiny Committee, dated 24th March, 2023, whereby, it has rejected her claim on the ground that in spite of extending several opportunities, she had failed to discharge the burden cast upon her under section 8 of the Maharashtra Act XXIII of 2001, by leading documents and other material.
3. Considering the fact that the scrutiny undertaken by the committee under the Maharashtra Act XXIII of 2001 is not a litigation but merely an enquiry into the claim regarding social status, in our considered view, the committee could have simply waited for the petitioner to comply, unless it was compelled by some circumstances to decide the proposal at the earliest.

4. The enquiry into the validity of the caste or tribe certificate being not an adjudicatory matter and being not adversarial litigation, one could not cause, if a person does not prosecute his claim promptly. The committee could have simply deferred the matter but instead has chosen to reject the claim. The approach is inappropriate.

5. Writ petition is allowed. The impugned order is quashed and set aside.

6. The committee shall reconsider the petitioner's claim afresh on its own merit by extending her an opportunity to substantiate by leading evidence and if necessary, by resorting to a vigilance enquiry.

7. The petitioner shall appear before respondent no.2 Committee on 07.04.2025 and shall cooperate the committee. The committee shall thereafter decide the proposal within four weeks.

8. We are passing this order as an indulgence and failure of the petitioner to cooperate the committee would constrain us to direct the the committee to dismiss the claim, if it is not prosecuted punctually and promptly.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)