

NSC.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9237 OF 2012

Abhishek Dilip Korpe

..Petitioner

-Versus-

Modern Education Society's College
of Engineering, Pune and Ors.

..Respondents

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Mrs.Aarti P. Bhide, for the petitioner.

Mr.A.B.Vagyani, AGP for respondent no.2,4,5 and 7.

Ms.Tejasri Dalvi i/b.Mr.Sameer P. Khedekar, for respondent no.3.

Mr.Subhash Dumbare, Chairman, Caste Scrutiny Committee, Pune – 3.

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**CORAM: S.C. DHARMADHIKARI &
REVATI MOHITE DERE JJ.**

DATE :- 24th DECEMBER, 2013

PC:

1 When this writ petition was placed before us, Mr.Vagyani, learned AGP appearing on behalf of the respondent no.2, 4, 5 and 7 fairly stated that there is no reasoned order of Committee save and except a communication at page 35 of the paper book.

2 We find that the Committee has not taken a decision or passed an order in terms of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Classes so also Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 namely the Maharashtra Act 23

of the 2001 and the rules framed thereunder. The Committee has refused to scrutinise and verify the caste claim dated 8th February, 2010 verifying the petitioner as belonging to 'Vaishyawani' (Other Backward Class). The Committee will have to scrutinise and verify the caste claim in accordance with law. Since it is conceded that the Committee has failed to do so, we quash and set aside the impugned order dated 13th July, 2012. We direct that the caste claim of the petitioner shall be verified and scrutinised in accordance with law as expeditiously as possible and within a period of three months from the date the petitioner is called upon to answer the allegations in the show-cause-notice.

3 It is stated that this show-cause notice will be issued based on the findings and recommendations in the report of the Vigilance Cell. A copy of the Vigilance Cell report will be supplied together with the show-cause-notice to the petitioner and thereafter his explanation would be called for and the process would be completed as stated above. We accept each of the statements made on instructions as undertakings given to this Court.

4 The writ petition is allowed by quashing and setting aside the impugned order and the enquiry now be held and concluded afresh in accordance with law.

(REVATI MOHITE DERE, J.)

(S.C. DHARMADHIKARI, J.)