

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4626 OF 2013

- 1) Satish Baliram Chavan,
Age-43 years, Occu:Agril.,
R/o-Kanalda, Tq. & Dist-Jalgaon,
- 2) Smt. Sushilabai Jijabrao Chavan,
Age-Major, Occu:Household,
R/o-Kanalda, Tq. & Dist-Jalgaon.

...PETITIONERS

VERSUS

- 1) Divisional Caste Certificate
Scrutiny Committee,
Nashik Division Committee No.2,
Dhule,
Through its Member Secretary,
- 2) Sub Divisional Officer,
Jalgaon Division, Jalgaon,
- 3) Zilla Parishad, Jalgaon,
Dist-Jalgaon, Through its
Chief Executive Officer,
- 4) Neeta w/o Rajendra Chavhan,
Age-47 years, Occu:Household,
R/o-Kanalda, Tq. & Dist-Jalgaon.

...RESPONDENTS

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Mr. Mahesh S. Deshmukh Advocate for
Petitioners.

Mr. P.S. Patil, A.G.P. for Respondent Nos.
1 and 2.

Mr. M.S. Sonwane Advocate for Respondent No.3.

Mr. R.N. Dhorde, Senior Counsel i/b. Mr. N.B.
Suryawanshi Advocate for Respondent No.4.

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**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 9TH DECEMBER, 2015

ORAL JUDGMENT [PER R.M. BORDE, J.] :

1. Heard. Rule. Rule made returnable
forthwith. With the consent of learned counsel for
the parties, the Petition is taken up for final
disposal at admissions stage.

2. The Petitioners are objecting to the
validity certificate issued by the Respondent No.1
- Scrutiny Committee on 26th May 2010 certifying
that Respondent No.4 - Neeta w/o Rajendra Chavhan,
belongs to "Kunbi" caste, which is included in
Other Backward Class (O.B.C.) Category. Respondent

No.4 is elected as representative of Zilla Parishad and is declared elected from a seat earmarked for O.B.C. Category. The only ground that has been raised for objecting the validation certificate is that the order that has been issued by the Respondent No.1 Scrutiny Committee is unreasoned one.

3. Learned senior counsel appearing for Respondent No.4 has vehemently opposed the Petition contending that the Petitioners do not have any locus standi to object the validation certificate issued in favour of Respondent No.4. It is further contended that sufficient documents were placed on record to substantiate the caste claim of Respondent No.4 and taking into consideration the evidence in the form of documents produced before Respondent No.1 - Scrutiny Committee, validation certificate has been issued in favour of Respondent No.4. It is also contended that there is no allegation of

fraud having been committed by Respondent No.4.

4. It is well settled that the Scrutiny Committee, while directing issuance of validation certificate, is required to record reasons in support of the conclusions drawn in the matter.

5. In identical facts and circumstances, this Court, while dealing with Writ Petition No.301 of 2015 in the matter of Gopal s/o Satrajeet Barbure vs. State of Maharashtra and others, decided on 21st October 2015, directed quashment of the validation order which was unreasoned one and further mandated the Scrutiny Committee to re-consider the claim of validation of the caste certificate in observance of the procedure prescribed under the law. The course that has been adopted in the matter of Gopal s/o Satrajeet Burbure, referred to above, needs to be adopted in the instant matter.

6. In the facts and circumstances, the caste validation certificate issued in favour of Respondent No.4 - Neeta w/o Rajendra Chavhan, is quashed and set aside and the matter is remitted back to the Respondent No.1 - Scrutiny Committee for re-consideration. The Respondent No.1 - Scrutiny Committee shall, in observance of the procedure prescribed under relevant rules and after extending opportunity of hearing to all the parties concerned, decide the issue of validation of caste certificate issued in favour of Respondent No.4, as expeditiously as possible, preferably, within a period of ONE YEAR from today.

7. During pendency and final disposal of the caste validation proceedings before Respondent No.1 - Scrutiny Committee, no coercive action shall be taken against Respondent No.4 only on the ground of her failure to tender validation certificate.

8. Rule is accordingly made absolute in
above terms. There shall be no order as to costs.

[A.I.S. CHEEMA, J.]

[R.M. BORDE, J.]

asb/DEC15