

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

WRIT PETITION NO.301 OF 2015

- 1) Gopal s/o Satrajeet Burbure
Age: 26 Yrs., occu. Legal
Practitioner/Agril.
R/o Mali Galli, Ward No.2.
Latur, Dist. Latur. - PETITIONER

VERSUS

- 1) The State of Maharashtra
Through its Secretary,
Social Justice and Special
Assistance Department,
Mantralaya, Mumbai-32.
- 2) The Divisional Caste Certificate
and Verification Committee No.2,
at Latur, Dist. Latur,
Through its Chairman/Member
Secretary.
- 3) The Collector, Latur,
District Latur.
- 4) The Sub Divisional Officer,
Sub-Division, Latur,
Dist. Latur.
- 5) Shaikh Akhtar Jalal Sab Mistry
Age: 45 Yrs., occu. Business,

R/o Miskinpura, Latur,
Dist. Latur.

- RESPONDENTS

Mr.NV Gavare and GK Sontakke, Adv.for Petitioner/s
Mr.US Mote,AGP for Resp.Nos. 1 to 5;
Mr. MS Deshmukh, Adv. h/for Mr. HV Patil, Adv. for
Resp.No.5.

**CORAM : R.M.BORDE &
P.R.BORA,JJ.**

DATE : 21st October,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 admission stage.

2) The petitioner is objecting to the validation certificate issued by Respondent No.2-Committee in favour of Respondent No.5, certifying that he belongs to "Mistry" caste, which is recognized as Other Backward Class (OBC).

3) Learned Counsel appearing for the respondent has invited our attention to the order passed in Writ Petition No.853/2012. The petitioner therein had objected to the validation certificate issued in favour of Respondent therein; and this Court had

disposed of the said writ petition, holding that constitution of District Committee to consider issue of validation of caste certificate is not in accordance with law, and as such, order of validation issued by District Committee was declared illegal.

4) It is informed that the judgment delivered in the aforesaid writ petition, is the subject matter of challenge in Special Leave Petition pending before the Supreme Court. In view of establishment of Divisional Caste Scrutiny Committee in accordance with provisions of law, the adjudication of this petition need not wait till decision the Special Leave Petition pending before the Supreme Court and the instant matter can be disposed of in view of the judgment and orders passed by this Court in Writ Petition Nos.3914/2012 decided on 7th January, 2013; 3376/2013 decided on 15th January, 2014;3922/2012 decided on 5th February, 2013. The judgment and order passed by this Court in Writ Petition No. 3914/2012 has been upheld by the Supreme Court while dealing with the Special Leave to Appeal (Civil) No.9462/2013, decided on 18th March, 2013.

5) It is not a matter of controversy that Respondent No.2 - The Divisional Caste Certificate

and Verification Committee No.2, at Latur, is constituted in accordance with Rule 11 of the Rules of 2012 and as such, the instant matter can safely be remitted to a Divisional Caste Certificate Verification Committee for Latur region.

6) The validation certificate issued in favour of Respondent No.5 by District Committee, stands quashed and set aside. Respondent No.5 shall tender a proposal for validation of the caste certificate to the The Divisional Caste Certificate and Verification Committee No.2, at Latur, within a period of six weeks from today and the Committee shall accept the proposal directly from the concerned Respondent No.5. On receipt of the proposal, the Scrutiny Committee shall, in observance of the procedure prescribed under Rules, proceed to take up the issue of caste validation and decide the same, as expeditiously as possible and preferably within a period of six months from today.

7) It would be open for the petitioner herein to tender his objection to the Scrutiny Committee. During pendency and final disposal of the tribe claim before the Scrutiny Committee at Latur, no coercive action shall be taken against Respondent No.5 only on

the ground of his failure to tender validation certificate.

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

sd/-
(P.R.BORA)
JUDGE

sd/-
(R.M.BORDE)
JUDGE

bdv/