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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5729 OF 2014

Avalokiteshwar Magasvargiya Industrial Co-operative
Society Ltd. & Ors.

..Petitioners

Vs.

State of Maharashtra & Ors.

..Respondents.

**WITH
WRIT PETITION NO.5730 OF 2014
AND
WRIT PETITION NO.5728 OF 2014**

Mr. A.Y. Sakhare, Senior Counsel a/w Mr. M.S. Karnik i/b Mr. Prashant
P. Kulkarni for Petitioners.

Ms. Aparna Vathkar, AGP for Respondent-State.

**CORAM: B.R. GAVAI &
A.S. GADKARI, JJ.**

DATE : 25th March 2015.

P.C.:

1 The Petitioners have approached this Court praying for quashing and setting aside the order dated 7th May 2014 by which it is directed that the Members to the Petitioners' Society who are from backward class should take necessary steps for getting caste claim validity certificate.

2 The aforesaid communication has been issued by the State Government on the basis of order passed by the Division Bench of this Court dated 19th March 2013 in PIL No.75 of 2008. In the said PIL it was contended that though the benefit is available to the Societies wherein 70% of the members belong to backward class, the Societies were having Members who were not in fact belonging to the backward class, but claiming to be belonging to backward class. In this background, the Division Bench directed that such of the Societies who are getting benefit of the Government Scheme, should get claims of the Members belonging to the backward class verified from the competent Caste Scrutiny Committee.

3 We find no error in the impugned communication, in as much as, the same has been issued in compliance with the directions of this Court.

4 In any event, an affidavit has been filed by one Shri Nitin Laxman Sukalika, Social Welfare Officer, Brihanmumbai, stating therein that the second installment will be disbursed to such of Societies, who have

submitted the caste certificates of their Members belonging to backward class for verification. It is further stated that if the caste certificate of any of the Members of the Society are found invalid, the amount of installment will be recovered with interest and permission granted to them will be revoked. It is further stated that the Societies who are ready to file an undertaking will be allowed to work. We find that the said stand is taken by the State in consonance with the directions issued by this Court.

5 In that view of the matter, we find that such of the Societies who have submitted caste certificates of their Members for being represented for considering validity thereof, would be entitled to disbursement of the second installment.

6 Needless to say that the State would be at liberty to take action against such of the Societies wherein the claims of the Members belonging to backward class have been invalidated. It is further needless to say that the decision of the concerned Caste Scrutiny Committee would be subject to right of such of the Members to challenge the order of the Caste Scrutiny Committee before the competent forum and orders passed in such proceedings.

7 With above observations, the Writ Petitions are disposed of.

(A.S. GADKARI, J.)

(B.R. GAVAI, J.)