

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9514 OF 2013

Pramod Prakash Salunke Petitioner
vs
State of Maharashtra, through
Secretary, Social Justice and
Special Assistance Dept and ors. Respondents

Mr. R.K. Mendadkar with Mrs.Helen Koli Mandlik for the
petitioner.

Ms. S.S. Bhende, AGP for respondents 1 and 2.
Mr. Rakesh Singh I/by M. V. Kini & Co. for respondent No.3.

**CORAM: ANOOP V. MOHTA AND
A. A. SAYED, JJ.**

DATE : September 21, 2015

ORDER:

Rule, returnable forthwith. Heard finally by consent of
parties.

2 After perusal of the record of Caste Scrutiny Committee
which is placed on record by the learned AGP and even after
considering the submission so made and the observation so

recorded, that the report of the Vigilance Committee is in favour of the Petitioner, it appears that there is no tampering of record. However, the Caste Scrutiny Committee has passed the order, whereby two members of the Committee were against the Petitioner and one member was in favour of the Petitioner. This, in our view, requires reconsideration as the caste issue needs to be adjudicated based upon the reports also which in the present case is in favour of the Petitioner. Therefore, in the interest of justice, impugned order dated 11.07.2013, is quashed and set aside. The matter is remanded back for reconsideration based upon the available material on record including the report of the Vigilance Committee. The same should be disposed of as early as possible and preferably within four months.

3 The learned counsel appearing for the Respondents, based upon the affidavit and the documents conceded to the position that if the Petitioner placed on record and/or produced caste validity certificate, the Petitioner will be reappointed on regular basis and or on probation. This, in our view, is sufficient even to re-consider the case of the Petitioner on regular basis/on probation.

4 Therefore, the following order :

ORDER

(i) Impugned order dated 11.07.2013 is quashed and set aside.

(ii) The matter is remanded back for reconsideration based upon the available material record including the report of the Vigilance Committee, to Respondent No.2, to be decided in accordance with law, as early as, possible preferably within four months.

(iii) The management to re-consider the case of the Petitioner in view of the observation already made as above.

(iv) Rule is accordingly disposed of.

(v) No costs.

(A. A. SAYED, J.)

(ANOOP V. MOHTA, J.)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgement/Order.**