

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

WRIT PETITION NO. 9799 OF 2014

Santosh Shamrao Todkar

.. Petitioner

Vs.

1. State of Maharashtra & Ors.

.. Respondents

Mr.Ramchandra K.Mendadkar a/w. Ms.Helen Koli Mandlik for petitioner.

Mr.V.N. Sagare, AGP for respondent nos.1 and 2.

CORAM : ANOOP V. MOHTA,

K.R. SHRIRAM, JJ.

DATED : 13TH APRIL, 2015

P.C.

1 Rule made returnable forthwith. Heard finally by consent of the parties.

2 The petitioner has challenged the order dated 25.06.2014 passed by respondent no.2-the Caste Scrutiny Committee invalidating caste certificate on the ground that as per then existing provisions the petitioner has failed to prove that she belongs to “Lingayat Wani (OBC)”.

3 The learned Counsel appearing for the petitioner has placed on record the Government Circular dated 4.9.2014 whereby the amendment made to the O.B.C. list in State of Maharashtra and where at serial no.190 “Lingayat Wani” has been introduced as caste for all the benefits as Other Backward

Class (OBC) candidate. Therefore by keeping all points open on the the sole ground as it goes to the root of the matter and that support the case of the petitioner that she belongs to Lingayat Wani and entitled for all privilege and benefits in accordance with law, the impugned order dated 25.06.2014 passed by the Caste Scrutiny Committee is quashed and set aside. The matter is remanded back for reconsideration based upon the Government Circular dated 4.9.2014 referring to 'Lingayat Wani' at serial no.190 in the list annexed thereto.

4 The respondents to consider the case of the petitioner in accordance with law by giving opportunity to all the concerned. The petitioner based upon the caste certificate “Wani” is in service with the Brihanmumbai Electricity Supply and Transport undertaking. The petitioner's service based upon the caste certificate is protected till final decision by the Scrutiny Committee and four weeks thereafter, if order is adverse to the petitioner. However, there is no question of claiming any equity if the order goes against the petitioner. It will be subject to further orders passed by the competent forum/authority.

5 Writ Petition is allowed accordingly. No costs.

(K.R. SHRIRAM, J.)

(ANOOP V. MOHTA, J.)