

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

WRIT PETITION NO. 3318 OF 2014

Dhammapal Gangadhar Bhosale

.. Petitioner

Vs.

1. The Secretary,
Divisional Caste Validity Committee No.1
& Ors.

.. Respondents

Dr. Suresh T. Mane a/w. Ms.Babita Pandey for petitioner.

Mr.C.P. Yadav, AGP for respondent nos.1 to 3.

**CORAM : ANOOP V. MOHTA,
K.R.SHRIRAM, JJ.**

DATE : 7TH APRIL, 2015

P.C.

- 1 Rule made returnable forthwith. By consent, petition is heard finally.
- 2 The learned counsel appearing for the petitioner has placed on record a Caste Validity Certificate dated 5.02.2015 issued in the name of Gangadhar Shivaji Bhosle, i.e., father of the petitioner by the Caste Certificate Scrutiny Committee, Aurangabad Division, Latur certifying that Gangadhar Shivaji Bhosle belongs to 'Mahar' caste. The Caste Validity Certificate is taken on record and marked 'X' for identification. The counsel stated that petitioner's case was rejected for want of material/documents prior to 1950.

3 After going through the reasons and in view of the subsequent developments which goes to the root of the matter, there is no question of overlooking the father's certificate while dealing with the caste claim of the son. Therefore, following order is passed :

(I) The impugned order dated 17th January 2014 is quashed and set aside.

(ii) The matter is remanded back to the Divisional Caste Validity Committee No.1, Kokan Bhavan, Navi Mumbai for reconsideration.

(iii) The Divisional Caste Validity Committee No.1, Kokan Bhavan, Navi Mumbai to decide the caste claim of the petitioner, on the basis of the certificate issued to the petitioner's father, in accordance with law as early as possible preferably within six months from today.

(iv) All points are kept open.

4 The petition and rule stand disposed of accordingly. No order as to costs.

(K.R. SHRIRAM, J.)

(ANOOP V MOHTA, J.)