

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11293 OF 2012

Mr.Sumit Khaire for the petitioner
Mr.Avinash Avhad a/w Mr.Mahesh Rawool for the
respondent No.1
Mr.S.N.Patil, AGP for respondent Nos.2 and 3.

2 The challenge in this petition under Article
226 of the Constitution of India is to the caste
validity certificate dated 30th January 2012 granted
to the first respondent by the second respondent-
Caste Scrutiny Committee. The caste claim of the
first respondent that he belongs to caste `Kunbi'
which is notified as Other Backward Class by the
State Government has been upheld by the Caste
Scrutiny Committee.

3 We have perused the file of the Caste Scrutiny Committee. There is only one order on record which runs only into six lines. There is no Speaking Order passed by the Caste Scrutiny Committee. Though cryptic order passed by the Caste Scrutiny Committee refers to the Vigilance Cell Report, we find that the Vigilance Cell report is not on record. Only some of the statements recorded by the Vigilance Cell are on record. The Caste Scrutiny Committee has not recorded any reasons for upholding the caste claim of the first respondent. Only on this ground, the matter of caste verification of the first respondent will have to be remanded to the Caste Scrutiny Committee.

4 Hence, we pass the following order:

- (I) The impugned Caste Validity Certificate dated 30th January 2012 and the order of the Caste Scrutiny Committee on the basis of which the said caste validity certificate was issued are hereby set aside;
- (II) We direct the petitioner and the first respondent to appear before the concerned Caste Scrutiny Committee on 23rd January 2015 at 11.00 a.m;
- (III) The parties shall produce an authenticated copy of this order before the Caste Scrutiny Committee;
- (IV) After perusal of the record, if necessary, the Caste Scrutiny Committee shall order a

fresh Vigilance Cell enquiry. If the Vigilance Cell Report of the enquiry made earlier is not available on record, the Caste Scrutiny Committee shall order a fresh enquiry through Vigilance Cell;

- (V) A fresh adjudication shall be made on the caste claim of the first respondent;
- (VI) Adjudication shall be completed as expeditiously as possible and preferably within a period of six months from the date fixed for appearance of the parties;
- (VII) We make it clear that no adjudication has been made by this Court on the caste claim of the first respondent and all issues are left open to be decided by the Caste Scrutiny Committee;
- (VIII) Writ Petition is disposed of on above terms;
- (IX) All concerned to act upon an authenticated copy of this order.

(A.K.MENON,J.)

(A.S.OKA,J.)