

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7096 OF 2015

Vishwas Gopinath Zite **Petitioner**
V/s
The State of Maharashtra
through the Principal Secretary
Revenue & Forest Department & Anr.... Respondent

WITH
CIVIL APPLICATION NO.2737 OF 2015
IN
WRIT PETITION NO.7096 OF 2015

Vishwas Gopinath Zite **Applicant**
IN THE MATTER BETWEEN

Vishwas Gopinath Zite **Petitioner**
V/s
The State of Maharashtra
through the Principal Secretary
Revenue & Forest Department & Anr.... Respondent

Mr. Nitin Gangal for Applicant/Petitioner.
Mr. A.I. Patel, AGP for Respondent Nos.1 and 2.

CORAM : ANOOP V. MOHTA &
A.A. SAYED, JJ.

DATED : 9 OCTOBER 2015

ORDER:

1 Rule, returnable forthwith. Heard finally.

2 Considering the averments made in the above Civil Application dated 25 September 2015 whereby the Petitioner for the reasons stated

therein submitted that these four documents which they discovered later on after an impugned order passed by the Caste Scrutiny Committee, goes to the root of the matter or at least supports their caste claim. Those documents are for the period 1948 to 1955, of close paternal side relatives. Therefore, in the interest of justice, to give one more opportunity to the Petitioner by keeping all points open and without observing anything on merits of the matter, we are inclined to remand the matter for reconsideration. The Caste Scrutiny Committee to reconsider the case of the Petitioner by giving an opportunity to all the concerned.

3 The Petitioner is permitted to file additional documents within four weeks. The Respondents to deal with the same in accordance with law. Therefore, by keeping all points open following order:

ORDER

- i) Impugned order dated 2 June 2015 is quashed and set aside.
- ii) The Petitioner's Case No.DD/TCSC/SER/Raigad-123 of 2008 is restored back before the Caste Scrutiny Committee, Konkan Division, Thane and the same to be decided as early as possible in accordance with law.
- iii) The Petitioner is permitted to file additional documents or supporting material within four weeks.

- iv) However, in the facts and circumstances, we are inclined to award costs of Rs.5,000/- to be paid by the Petitioner to the High Court Legal Services Committee, Bombay within two weeks.
- v) The Writ Petition and Civil Application are disposed of accordingly.

(A.A. SAYED, J.)

(ANOOP V. MOHTA, J.)

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