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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12035 OF 2012

Harishchandra Gaur

@ Bal Hardas

...Petitioner

vs.

State of Maharashtra

and others

...Respondents

Mr.Prashant Kamble for the Petitioner

Mr.V.S.Gokhale, AGP for the respondent Nos.1 and 2

Mr.Sanjay S. Patil for the respondent No.3

CORAM : A.S.OKA, &

G.S.PATEL, JJ.

DATE : DECEMBER 9, 2015

P.C.:

1 Heard the learned counsel for the petitioner, the learned AGP for the respondent nos.1 and 2 and the learned counsel for the respondent No.3. Rule is already issued.

2 It is not disputed that the impugned caste validity certificate dated 1st October 2010 (Exhibit-B to the petition) is issued by the Caste Scrutiny Committee without passing any speaking order. There is nothing placed on record to show that even a Vigilance Cell Enquiry was ordered. An application for issuing validity certificate was made by the respondent No.3 on 16th August 2010 to the Caste Scrutiny Committee and the impugned caste validity certificate has been issued on 1st October 2010. Hence, it appears that there is no proper inquiry held by the Committee. Faced with this situation,

the learned counsel for the respondent No.3 has no objection if the impugned caste validity certificate is set aside and a fresh enquiry is ordered.

3 Hence, we pass the following order:

- (I) The impugned caste validity certificate dated 1st October 2010 (Exhibit B to the petition) is hereby quashed and set aside;
- (II) The matter of verification of the caste certificate of the respondent No.3 is remanded to Divisional Caste Scrutiny Committee No.1, Mumbai Division, Mumbai;
- (III) We direct the respondent No.3 to appear before the aforesaid Scrutiny Committee on Monday 28th December 2015 at 11.00 a.m.;
- (IV) It will be open for the petitioner to remain present before the said Scrutiny Committee on the very day;
- (V) We direct the Caste Scrutiny Committee to order enquiry through the Vigilance Cell in accordance with law;
- (VI) Final order shall be passed by the Caste Scrutiny Committee in accordance with law as expeditiously as possible and in any event by the end of May 2016;
- (VII) All contentions on merits are kept open;
- (VIII) Rule is partly made absolute on above terms;
- (IX) No order as to costs.

(G.S.PATEL,J.)

(A.S.OKA,J.)