

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.2194 OF 2016

1. Prabhu s/o Baliram Pawar
Age 74 years, Occu. Agril.,
2. Sunil s/o Prabhu Pawar,
Age 36 years, Occu. Service,

Both R/o "Ahirwad Niwas"
Shikshak Colony,

Tambri Vibhag, Osmanabad ... PETITIONERS

VERSUS

1. The State of Maharashtra
through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai - 32
2. The Scheduled Castes, Scheduled
Tribes, Nomadic Tribes, Other Backward
Class and Special Backward Class
Divisional Caste Verification
Committee - 2, Aurangabad Division,
Latur.
3. The Sub-Divisional Officer/ Magistrate,
Sub-Divisional Office, Osmanabad
4. Maharashtra Public Service Commission,
through its President,
Cooprej Telephone Exchange Building,
Maharshi Karve Road,
Mumbai - 400 021 ... RESPONDENTS

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Shri B.M. Dhanure, Advocate for petitioners
Shri V.M. Kagne, A.G.P. for State
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CORAM: R.M. BORDE AND
 A.I.S. CHEEMA, JJ.

DATED: 23rd February, 2016.

ORAL JUDGMENT (Per R.M. Borde, J.):

1. Rule. Rule made returnable forthwith. With the consent of learned counsel appearing for the parties, the petition is taken up for final disposal at admission stage.

2. The limited grievance raised by the petitioners in the instant petition is that, in an appeal presented to the Scrutiny Committee challenging the order passed by the Sub-Divisional Officer, refusing to issue caste certificate, certifying that the petitioner belongs to Kunbi caste, which is included in O.B.C. category, the appellate forum has decided the matter in absence of the petitioners and rendered decision against them.

3. On perusal of the order, it does appear that the counsel appearing for the petitioners before the Scrutiny Committee did not prosecute the matter and since the petitioner No.2 was attending his duties at Mumbai, he could not keep track to the proceedings. Considering the fact that the judgment has been rendered by the Scrutiny Committee in absence of the petitioners, substantial injustice has been caused to the

petitioners. We deem it appropriate to extend one opportunity to the petitioners to put forth their submission before the Scrutiny Committee.

4. For the reasons aforesaid, the order dated 24.11.2015, passed by the respondent No.2 is quashed and set aside and the matter is remitted back to the Scrutiny Committee for consideration. The petitioners shall appear before the Scrutiny Committee on 3rd March 2016 and no separate notice requiring their presence shall be necessary. The Scrutiny Committee, after extending the opportunity of hearing to the petitioners, shall take decision as expeditiously as possible, preferably within a period of three months from the date of appearance. Rule is made absolute in above terms.

5. Parties to act on authenticated copy of this judgment.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)