

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

WRIT PETITION NO. 5527 OF 2014

Nanda d/o Laxmanrao Gaikwad
age 42 years, occ. Social work & advocate,
r/o Rajwada Daulatabad,
Tq. & Dist. Aurangabad.

.. PETITIONER

VERSUS

1. Vimal w/o Dagdu Bansode,
age 55 years, occ. Household,
r/o Daulatabad, Tq. & Dist. Aurangabad.
2. The Divisional Caste Verification
Committee, Aurangabad Division,
Aurangabad.

.. RESPONDENTS

Mr. V.D. Salunke, advocate for petitioner.
Mr. P.S. Patil, AGP for the State.
Mr. S.S. Thombre, advocate for respondent no.1.

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**CORAM : R.M. BORDE &
A.I.S. CHEEMA, JJ.
DATE : 27th JANUARY, 2016.**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final disposal at admission stage.
3. Petitioner is objecting to the validation certificate issued in favour of respondent no. 1 by respondent no. 2 – Committee. On perusal of the order annexed at page 29, it is observed that the validation order issued by the Committee does not bear the date on which the order has been issued nor it

contains any reason in support of the decision of validating caste certificate issued in favour of respondent no.1.

4. Scrutiny Committee is expected to record reasons in support of the decision and, the order as has been issued in the instant matter is not expected to be issued by the Scrutiny Committee. It is observed that the Scrutiny Committee has merely filled in the blanks in the format which has not been prescribed. Apart from this, the order has been issued by the District Committee, constitution of which is not in consonance with the regulations. In view of the deficiencies pointed out, it would be appropriate for the Committee to re-consider the issue afresh after extending an opportunity of hearing to the parties concerned.

5. Decision rendered by the Committee directing validation of the caste certificate issued in favour of respondent no. 1 is quashed and set aside and the matter is remitted back to respondent no. 2 – Scrutiny Committee for consideration in accordance with provisions of law. Respondent no. 1 shall tender proposal in the prescribed form to respondent no. 2 – Committee, as expeditiously as possible, preferably within a period of four weeks from today. Respondent no. 2 – Committee shall proceed to determine the validation claim of respondent no. 1 in accordance with provisions of law, as expeditiously as possible, preferably within a period of six months from the date of receipt of the proposal. It is further directed that no adverse action shall be taken against petitioner on the ground of quashment of order passed by the District Committee directing validation of

the caste certificate issued in favour of respondent no. 1 and, appropriate action, if deemed necessary, shall be taken, subject to the decision that may be rendered by respondent no. 2. Rule is accordingly made absolute. There shall be no order as to costs.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

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