

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 359 OF 2011**

Shri Sandip Arjun Vazarkar,
39 years, married, Indian National,
Member of Village Panchayat of
Socorro, r/o. H.No.1032,
Zoswado, Socorro, Bardez, Goa.

... Petitioner

Versus

1. Scrutiny Committee for Verification
of Caste Certificate, through its Chairman,
Office of Directorate of Social Welfare,
Government of Goa, Panaji, Goa.

2. Deputy Collector & Sub-Divisional
Magistrate, Office of the Deputy
Collector/Sub-Divisional Magistrate,
Mapusa, Sub-Division, North Goa,
Mapusa, Bardez, Goa.

3. Senior Superintendent of Police
(Vigilance Officer),
Office of the Vigilance Officer,
Police Headquarters, Panaji, Goa.

4. Shri Rajesh Madhukar Khautankar,
major, married, Indian National,
r/o. H.No.1057/4, Zoswado,
Socorro, Bardez, Goa.

5. Shri Sarvesh Naik,
major of age, businessman,
r/o. H.No.894/7, Opp. V.P. Socorro,
Porvorim, Bardez, Goa.

... Respondents

Mr. Pavithran A.V., Advocate for the Petitioner.

Mr. Manish Salkar, Government Advocate for Respondent No.4.

**Coram:- F. M. REIS &
K. L. WADANE, JJ.**

Date:- 5th January, 2016

ORAL JUDGMENT :(Per F.M. Reis, J.)

Heard Mr. Pavithran A.V., the learned Counsel appearing for the petitioner and Mr. M. Salkar, the learned Government Advocate appearing for respondent no.4.

2. The above petition inter alia seeks to quash and set aside the decision taken by the Scrutiny Committee dated 5/04/2011, whereby the Scrutiny Committee refused to validate the certificate of the petitioner as an OBC.

3. During the course of the hearing of the above petition, the learned Counsel appearing for the petitioner has brought to our notice a judgment passed by the Division Bench of this Court wherein one of us (F.M. Reis, J.) was a party reported in *2015 (4) ALL MR 665* in the case of *Zacarias Mendes V/s. Milton Olumpia Marques & Ors.*, whereby the Constitution of the Scrutiny Committee which passed the impugned order was found to be vitiated for the reasons stated therein.

4. Mr. Salkar, the learned Government Advocate does not dispute the

fact that the Committee which passed the impugned order was the same Committee whose constitution was found invalid in the said judgment in the case of ***Zacarias Mendes*** (supra).

5. Without going into the merits of the rival contentions on the claim of the petitioner and for the reasons stated in the said judgment in the case of ***Zacarias Mendes*** (supra), we find that the constitution of the Scrutiny Committee itself stands vitiated and, as such, the impugned decision dated 5/04/2011 cannot be sustained and deserves to be quashed and set aside.

6. In view of the above, we pass the following order:

O R D E R

(i) The impugned decision dated 5/04/2011 passed by the respondent no.1 is quashed and set aside.

(ii) The matter is remanded to respondent no.1 to decide the application filed by the petitioner afresh after the Committee is duly constituted in accordance with the directions in the case of ***Zacarias Mendes*** (supra).

(iii) Needless to say such exercise shall be conducted after hearing the petitioner and all other concerned parties in accordance with law.

(iv) All contentions of both the parties are left open.

(v) Rule is made absolute in the above terms with
no order as to costs.

K. L. WADANE, J.
NH/-

F. M. REIS, J.