

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8519 OF 2013

Mangala Dattaram Oroskar @
Rashmi Ramchandra Vengurlekar ..Petitioner
Versus
The State of Maharashtra and ors ..Respondents

Mr. R. K. Mendadkar, for the petitioner.
Mr. A. H. Fatangare, for respondent No.4.
Mr. V. M. Mali, AGP for the Respondent State.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR JOSHI, JJ.**

DATE : 31st MARCH, 2016.

P. C. :

1. Heard the learned counsel for the respective parties.
2. By this Writ Petition filed under 226 of of the Constitution of India, the petitioner is challenging the validity and propriety of the order dated 27.08.2013 passed by respondent No.2 Caste Scrutiny Committee, whereby it came to the conclusion that the petitioner does not belongs to Devali Caste (OBC) and consequently the Caste Certificate to that effect given to the petitioner by the Sub Divisional Officer, Sawantwadi, on 27.7.2012 is invalidated.
3. Respondent No.2 invalidated the petitioner's Caste Certificate of Devali caste (OBC), on the basis of Vigilance Cell Report as well as several other documents produced by the petitioner to

substantiate her claim.

4. The petitioner has filed additional affidavit dated 26th October 2015 in this petition. The petitioner has claimed that Rajaram Narayan Oroskar, was her grand father and in the school record of her grand father, his caste is shown as Devali. She has annexed a translated copy of Primary School Admission Register of her grand father at Annexure "A" alongwith the affidavit of translator. The affidavit and the said extract shows caste of petitioner's grand father as Devali.

5. It is the case of the petitioner that said School Register of her grand father Rajaram Oroskar was not available at the time of scrutiny of her caste claim by respondent No.2 and she obtained the said copy of school register subsequent to filing of the present Writ Petition.

6. In that view of the matter, we are of the opinion that the petitioner's claim should be considered afresh by the respondent No.2 Caste Scrutiny Committee in the light of said extract of school register.

7. Accordingly we quash and set aside the impugned order and remand the matter to respondent No.2 for decision afresh. Respondent No.2 shall decide the petitioner's claim as expeditiously as possible and in any case preferably within 8 weeks from the date of receipt of this order.

[DR. SHALINI PHANSALKAR JOSHI, J.]

[RANJIT MORE, J.]