

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 2327 OF 2016

Shamrao Pandurang Kalokhe

...Petitioner

*Versus*State Of Maharashtra Through Its Secretary, Social
Justice Dept. And Ors.

...Respondent(s)

Mr.Shirish Oak with Mr.Shridhar Tajane i/b. S.C.Legal, for the Petitioner.*Mr.V.N.Sagare, AGP for Respondent Nos.1 and 2.*

...

**CORAM : ANOOP V. MOHTA &
G.S.KULKARNI,JJ.**

DATE: 7th September,2016.

ORDER :

1. Rule made returnable forthwith. Heard finally.

2. Heard the learned Counsel appearing for the Petitioner and the learned AGP appearing for the State. Though served properly through the Court pursuant to the order of this Court including service of hamdast, none appears for Respondent No.3. Therefore, we proceed to hear the matter in view of the above, by consent of the concerned parties.

3. The Petitioner has challenged the order dated 30 November 2015 passed by the Caste Scrutiny Committee – Respondent No.2 whereby validated the caste of Respondent No.3 as Kunbi (OBC), though on record there are certificate of father at Sr.No.3 in the chart mentioned in second

paragraph and also of grandfather showing caste as “Maratha”. The document of grandfather is dated 12 June 1945 and of father is dated 10 June 1974.

4. After hearing the parties and after going through the impugned order, we have noted that the Vigilance Committee has confirmed the caste of the father as well as grandfather as noted in the Vigilance report and also in the Caste Scrutiny Committee. We have also noted that these two basic certificates have not been even dealt with specifically. The caste of son cannot be different than the father and grandfather. The Scrutiny Committee, however, by overlooking these basic documents validated the caste certificate of Respondent No.3 as “Kunbi” which in our view is contrary to the record and the law settled by this Court in this regard.

5. Therefore, in view of the above position of law and the record, in our view, the impugned order is unsustainable as contrary to law and record, and is required to be quashed and set aside with a direction to the Caste Scrutiny Committee to reconsider the same in accordance with law. Therefore, the following order:-

ORDER

- (i) The impugned order dated 30 November 2015 is quashed and set aside.
- (ii) The Caste Scrutiny Committee to decide the issue/ complaint filed by

the Petitioner in accordance with law as early as possible, preferably within six months.

(iii) The Writ Petition is accordingly allowed. Rule is made absolute accordingly. No order as to costs.

(G.S.Kulkarni, J.)

(Anoop V. Mohta, J.)