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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2169 OF 2014

Mit Harshad Patel

...Petitioner

Vs.

State of Maharashtra & Ors.

...Respondents

Mr. R.K. Mendadkar, Advocate for the Petitioner

Mr. Bhushan P. Kakade, AGP for the Respondents

**CORAM : SHANTANU S. KEMKAR &
M.S. KARNIK, JJ.**

DATED : 23RD AUGUST, 2016

P.C. :

. Parties through their Counsel. Learned Counsel while filing this Writ Petition has challenged the order dated 24th October, 2013 passed by the Caste Scrutiny Committee, Belapur, Navi Mumbai whereby the Petitioner's caste validity claim has been rejected.

2. Learned Counsel for the Petitioner submitted that the Petitioner's real sister namely Trisha Harshad Patel has been granted the caste validity certificate, which was duly validated by the same Committee prior to passing of the impugned order, but

this fact has been ignored by the Committee and the Petitioner's claim has been rejected.

3. Learned Counsel for the Petitioner has placed reliance on the order passed by the Division bench of this Court in the case of **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee 2010(6) Mh. L.J. 401** to contend that in such circumstances the Petitioner's claim should not have been rejected.

4. Having considered the statements made by the learned Counsel for the parties we are of the view that the Caste Scrutiny Committee ought to have considered the Petitioner's claim that his sister has already been granted her caste certificate duly validated by the Committee on the same facts and same evidence.

5. In the circumstances we set aside the impugned order and remand back the matter to the Caste Scrutiny Committee for deciding the Petitioner's case afresh keeping in view the judgment passed in the case of **Apoorva (supra)** as expeditiously as possible, but in any case not later than 3 months from the date of receipt of

the copy of this order.

6. The Writ Petition stands disposed of. The interim order passed by this Court shall remain operated till the matter is decided by the Committee afresh.

7. The Petitioner to appear before the Divisional Caste Scrutiny Committee on 31st August, 2016.

8. Parties to act on the authenticated copy of this order.

(M.S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)