

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.2721 OF 2015**  
**WITH**  
**WRIT PETITION NO.2773 OF 2015**

Kamran Buranoddin Shaikh and Another      ...Petitioners  
vs.  
State of Maharashtra and Others      ...Respondents

Mr. R.S. Alange, for the Petitioner  
Mr. B. Kakade, AGP for Respondent Nos. 1 and 2.  
Mr. A.B. Tajane, for Respondent No. 3

CORAM : SHANTANU KEMKAR &  
MAKARAND KARNIK, JJ.

DATE : **AUGUST 25, 2016**

P.C.:

. Parties through their counsel.

2. The learned counsel for the Petitioners submit that the Petitioners' real brother was granted caste validity certificate by the Caste Scrutiny Committee on 10<sup>th</sup> February, 2003 on the same set of evidence, however ignoring this aspect of the matter, the Petitioners' claim for caste validity certificate has been rejected by the Committee.

3. The learned counsel for the Petitioners has placed reliance

on the judgment passed in the case of “Apoorva Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee and Others” 2010(6) Mh.L.J., 401. He submits that in view of the law laid down in the said judgment the Caste Scrutiny Committee should not have ignored the Petitioners' claim for caste validation.

4. Keeping in view the fact that the Petitioners' real brother has been granted the caste validity certificate as also the law laid down in the case of “Apoorva Nichale” (supra), we set aside the impugned order dated 27<sup>th</sup> January, 2015 passed by the Committee and remand the matter back to the Committee for taking a fresh decision keeping in view the law laid down in the aforesaid case.

5. The Petitioners to appear before the Caste Scrutiny Committee on 6<sup>th</sup> September, 2016.

6. The Caste Scrutiny Committee to consider the Petitioners' case and take appropriate decision in accordance with law as directed above within three months from the date of receipt of the copy of the order.

7. The interim order passed earlier to continue till the fresh decision is taken by the Caste Scrutiny Committee.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)