

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

WRIT PETITION NO. 2847 OF 2015

Nandkumar Bhujang Ghongade	.. Petitioner
V/s.	
The State of Maharashtra & Ors.	.. Respondents

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Mr. J.P. Reddy, Advocate for the Petitioner.
Mr. Vikas Mali, AGP for Respondent Nos.1 and 2.

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**CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.**

DATED : DECEMBER 1, 2016.

P.C. :

Not on Board. Mentioned, taken on Board.

2 Heard parties through their counsel.

3 challenging the order dated 17th January, 2015
(Exhibit-R) passed by respondent no.2 Divisional Caste Scrutiny
Committee No.1 Solapur whereby the petitioner's caste
verification has been rejected, the petitioner has filed this
petition under Article 226 of the Constitution of India.

4 The grievance of the petitioner is that while deciding
the matter, 2nd respondent Committee has not properly

appreciated documents filed by the petitioner in support of his claim. He also submits that the Committee has brushed aside the vigilance cell report without assigning any justified reason for not accepting the same. It is also the case of the petitioner that since after passing of the impugned order, the same Committee vide certificate dated 19th August, 2016 has validated the caste claim of the petitioner's real younger brother namely Nandakishor Bhujang Ghongade. In support the petitioner has filed affidavit along with the said caste validity certificate of his real younger brother. In the circumstances, the prayer has been made by the learned counsel for the petitioner that this petition may be disposed of by setting aside the impugned order dated 17th January, 2015 (Exhibit-R) and to remand the matter to the said Committee for deciding the petitioner's caste validity claim afresh keeping in view the caste validity certificate of the petitioner's real younger brother as also to pass afresh order by considering the documents and the vigilance cell report.

5 Having considered the submissions made by the learned counsel for the parties and having gone through the impugned order as also the caste validity certificate subsequently issued in favour of the petitioner's real younger brother, we are of the view that the in the interest of justice the matter requires to

be remanded to the Committee for taking a fresh decision in the matter keeping in view the aforesaid subsequent event of issuing caste validity certificate to the petitioner's real younger brother. While deciding the matter afresh, the Committee is directed to reconsider the documents filed by the petitioner and vigilance cell report.

6 Petitioner to appear before the Committee on 23rd December, 2016 at 11.00 a.m. The Committee shall decide the matter within three months from the receipt of copy of this order.

7 Needless to say that we are not commenting upon the merits of the matter and the Committee shall decide the matter in accordance with law.

8 The interim order passed by this Court on 6th April, 2015 shall remain operative till the matter is decided by the Committee as aforesaid.

9 Petition is, accordingly, disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)