

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2879 OF 2015

Pooja Ramchandra Doshi Petitioner
Vs.
Caste Validity Committee & Ors. Respondents

WITH
WRIT PETITION NO.2876 OF 2015

Doshi Akshay Arun Petitioner
Vs.
Caste Validity Committee & Ors. Respondents

WITH
WRIT PETITION NO.2877 OF 2015

Sanket Manoj Gandhi Petitioner
Vs.
Caste Validity Committee & Ors. Respondents

WITH
WRIT PETITION NO.2878 OF 2015

Shubham Anant Doshi Petitioner
Vs.
Caste Validity Committee & Ors. Respondents

WITH
WRIT PETITION NO.2880 OF 2015

Abhishek Ramchandra Doshi Petitioner
Vs.
Caste Validity Committee & Ors. Respondents

Mr. Shekhar Jagtap i/by J. Shekhar & Co. for
the Petitioner in all petitions.
Ms Sushma Bhende, AGP, for the Respondent
Nos.1 to 3 in all petitions.

CORAM: S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR JOSHI, JJ.

DATE : APRIL 27, 2016

P.C:

1. In all these matters, the essential contention of Mr. Jagtap, appearing for the petitioners, is that the respondent No.1-Committee has missed out two important and crucial developments.

2. The Committee was informed that a very close relative, on the paternal side, has been issued a caste validity certificate on 12-12-2011 by the Divisional Caste Scrutiny Committee No.3, Pune.

3. Though there is a family tree, which is placed on record by an affidavit before the Committee, this validity certificate was made available later on. At later hearing of the

Committee and over a period commencing from June, 2013 to October, 2013, a copy and duly certified of this validity certificate was filed. The Committee has over-looked these materials, as urged above. Therefore, the orders of the Committee are vitiated in law.

4. We have perused all the orders and impugned in several petitions. These orders pertain to a claim that the petitioners belong to Gujar - Other Backward Class, duly notified in the State of Maharashtra. Though the petitioners claim to be belonging to families from this community, it is not necessary that they should be found, or settled, only in two Districts, namely, Dhule and Jalgaon. It is argued that the Committee should have taken the assistance of all the authorities and thereafter indicated that the claim is genuine, *bona fide* or otherwise.

5. The Committee has, in the present case, rendered a common finding that people belonging to this community speak Gujarati language, as also Marathi. The Committee refers to the

report of the Maharashtra State Other Backward Class Commission. That report indicates that Dhule and Nandurbar are two Districts in the State of Maharashtra where this community people predominantly reside or are settled. Therefore, the claim of the petitioners is farfetched. If these petitioners do not come from either Dhule, Jalgaon or Nandurbar Districts, then it is not possible to accept their claim. The Committee has also found that there is no proof that the gentleman in whose favour this caste validity certificate is issued is a close relative and from the paternal side, as mandated by the Act 23 of 2001. Since Mr. Jagtap claims an opportunity to prove both assertions, namely, that the relative is a close relative and from the paternal side (cousin) and secondly, there is enough material to indicate that some members of this community have indeed settled in Solapur District as well, we indicated to Ms Bhende, appearing for the respondent Nos.1 to 3, as to why the Committee should not examine the claims of these petitioners afresh and in accordance with law.

6. Ms Bhende could not point out from the orders

impugned in the petitions or other annexures that the claims of the petitioners have been inquired into in the above manner. Therefore, in the facts and circumstances peculiar to these cases, and without our order being treated as a precedent for other cases of similar nature, we set aside the orders of the Scrutiny Committee impugned in these writ petitions. We remand the claims of the petitioners back to the Scrutiny Committee, namely, the respondent No.1 for scrutiny and verification afresh, on merits and in accordance with law. The claims shall be verified and inquired into as expeditiously as possible and within a period of three months from the date of receipt of a copy of this order. Till the Committee decides the claim and passes final orders, the protection granted by this Court shall continue. We clarify that we have not expressed any opinion on the petitioners' contentions, as raised in the petition and orally before us. The writ petitions accordingly stand disposed of.

(DR. SHALINI PHANSALKAR JOSHI, J.)

(S.C. DHARMADHIKARI, J.)