

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4034 OF 2015**

Kum. Sarita Chandanlal Kuril

....Petitioner.

Vs.

The President,
Divisional Caste Certificate
Scrutiny Committee & Ors.

....Respondents.

Ms. Babita P. Pandey for the Petitioner.

Mr. V.N. Sagare, AGP for the Respondent-State.

CORAM : ANOOP V. MOHTA AND

A.A. SAYED, JJ.

DATE : 29 APRIL 2016.

ORDER:-

The Petitioner has challenged the order passed by the Divisional Caste Certificate Scrutiny Committee dated 1 January 2015, mainly on the ground that though the documents were available, but the Petitioner was unable to place the same on record before the conclusion of the matter. The averments are made in this regard along with the description of the documents, which are at paragraph No.4 of the plaint. In our view, the said documents may be relevant and the importance of these documents are required to be considered. However, it is subject to the verification by the concerned Authorities,

apart from the burden upon the Petitioner to support the same in accordance with law. As the claim is of particular Caste Certificate and its validation and as it goes to the root of her service career, therefore, in the interest of justice, by keeping all points open, we are inclined to set aside impugned order dated 1 January 2015, with liberty to the Petitioner to place on record the relevant documents, so referred in paragraph No.4. The concerned Respondents/Authorities to consider the same in accordance with law. All points are kept open. However, this will be subject to costs of Rs.1,000/- (Rupees One Thousand only) to be paid to the “*Maharashtra State Legal Services Authority*”.

2 The Petitioner to appear before the Divisional Caste Certificate Scrutiny Committee on 9 May 2016 along with the copy of this order at 11.00 a.m. and file appropriate Application along with documents if any, she wants to rely upon. The Respondent-Divisional Caste Certificate Scrutiny Committee to deal with the said Application and disposed of, as early as possible, preferably within four months from today, as the Petitioner is already terminated because of the earlier order.

3 The Petitioner is at liberty to apply to Respondent No.2 for reinstatement in view of setting aside the order passed by Divisional Caste Certificate Scrutiny Committee dated 1 January 2015.

4 Writ Petition is accordingly disposed of. There shall be no order as to costs.

(A.A. SAYED, J.)

(ANOOP V. MOHTA, J.)