

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8227 OF 2005

Ramesh Nana Morajkar

.... Petitioner

vs

State of Maharashtra and ors.

.... Respondents

Mr. R. K. Mendadkar with Mr. C. K. Bhangoji for the petitioner.

Mr. V. N. Sagare, AGP for respondents 1 to 3.

**CORAM: ANOOP V. MOHTA AND
G. S. KULKARNI, JJ.**

DATE : August 08, 2016

ORDER:

This Court, while admitting the Petition, on 25 July 2006, referred to earlier admitted Writ Petition No. 6293 of 2005 and granted the interim protection/relief also.

2 The learned counsel appearing for the Petitioner has placed on record order dated 27 August 2010 passed in Writ Petition No.6293/2005-Devika Sitaram Gangavane vs. State of Maharashtra, whereby after considering the rival submissions of the parties, the

Court remanded the matter by observing as under:

“5 In the result, therefore, the petition succeeds in part and is allowed. The order impugned in the petition is set aside. The matter is remitted back to the Scrutiny Committee for denovo consideration and decision in accordance with law and in the light of the observations made above. Rule made absolute. No order as to costs.”

3 The learned counsel appearing for the parties make statement that the Petitioner's case is similarly situated in every aspect including the caste claim in question.

4 Therefore, for the reason so recorded in the judgment dated 27 august 2010 in Writ Petition No.6293/2005, we are inclined to dispose of the present Writ Petition on same line. Hence, the following order :

ORDER

- (i) Impugned order dated 26 September 2005 is set aside.

- (ii) The matter is remanded back to the Scrutiny Committee for denovo consideration and decision in accordance with law in view of the observation so made in the judgment in Writ Petition No.6293/2005 dated 27.08.2010.
- (iii) The Scrutiny Committee to decide the caste claim of the Petitioner in accordance with law as early as possible and preferably within four weeks.
- (iv) The interim protection granted by this Court on 1 December 2005 which has been in force till this date to continue till the decision by the Scrutiny Committee and four weeks further if the order is adverse to the Petitioner.
- (v) Rule is made absolute in the above terms.
- (vi) No costs.

(G. S. KULKARNI, J.)

(ANOOP V. MOHTA, J.)