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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 9912 OF 2015**

Pratik Jayantilal Vaja

... Petitioner

Versus

The State of Maharashtra and Anr.

... Respondents

Mr. Nitin Gangal for the petitioner.

Ms. Nisha Mehra, AGP for the State.

**CORAM : SHANTANU KEMKAR &  
PRAKASH D. NAIK, JJ.**

**DATED : NOVEMBER 15, 2016.**

**P.C.**

Parties through their counsel.

2. Petitioner has filed this petition under Article 226 of the Constitution of India challenging the order dated 5.8.2015 passed by respondent no.2 Divisional Caste Scrutiny Committee No. 3, Mumbai whereby petitioner's claim that he belongs to Cobbler caste (*mochi*) has been rejected. According to the petitioner, respondent no. 2 while passing the impugned order has not appreciated the documents produced by the petitioner in its correct perspective and has also not properly considered the Vigilance cell report. According to the petitioner, petitioner was

not possessing the document Exh. C that is property card information received from Mumbai City Collectorate containing city survey registration of location at Kika Street in which the name of the owner of the property from whom the petitioner's grandfather got the premises on lease has been mentioned. In support, the petitioner has also placed on record, rent receipts at Page 18. The grievance of the petitioner is that had these documents had been produced and considered by the Committee, the petitioner's claim that he belongs to *mochi* community would not have been rejected.

3. In the circumstances, the learned counsel for the petitioner submits that in view of the additional documents filed by the petitioner along with this petition and the aforesaid submissions, this petition may be disposed of by setting aside the impugned order and by remanding the matter to respondent no.2 for deciding petitioner's claim afresh.

4. On the other hand, learned AGP submits that the Committee has taken the decision after correctly appreciating the evidence which was produced before it and as such the impugned order being just and proper need not to be set aside.

5. Having considered the submissions made by the learned counsel for the parties and having regard to the documents filed by the petitioner along with this petition and keeping in view the fact that the Committee has not properly appreciated the Vigilance Cell report, we are of the view that in the interest of justice, the matter requires to be remanded to the Committee by setting aside the impugned order. In the result, we set aside the impugned order and remand the matter back to respondent no. 2 Committee for taking a fresh decision after re-examining the matter. The petitioner is free to file fresh additional evidence in support of his claim. Petitioner to appear before the Committee on 14.12.2016 along with additional documents in support of his claim. The Committee shall pass fresh reasoned order within three months from the date of appearance of the petitioner. Petition is disposed of.

**(PRAKASH D. NAIK, J.)**

**(SHANTANU KEMKAR, J.)**