

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL WRIT PETITION NO.11482 OF 2015

Pramod Poulas Belekar Petitioner
vs
Ashok Anandrao Dhapodkar & ors .. Respondents

Mr.Manoj Patil for Petitioner
Mr.T.Rahul for Respondent no.1
Mr.V.N.Sagare Asst.Govt.Pleader for Respondent nos.4 & 5

...
CORAM: ANOOP V.MOHTA &
G.S.KULKARNI, JJ
DATE: 14 SEPTEMBER, 2016

ORDER:

1. Heard learned counsel for the petitioner, learned counsel for respondent no.1. Respondent nos.2 and 3 though served is absent. Respondent nos.4 and 5 are represented by the learned Assistant Government Pleader.

2. The only grievance of the petitioner is that respondent no.1 who has contested elections is on the committee of respondent no.2 on a reserved seat. The caste certificate of respondent no.1 has not been forwarded by respondent no.2 for seeking validity from the Caste Scrutiny Committee, as required under section 10 of the Maharashtra Scheduled Castes, Scheduled Tribes De-Notified Tribes (Vimukta Jatis) Nomadic

Tribes, Other Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short 'the Act'). It is not in dispute that respondent no.1 contested elections under a reserved seat and that under the provisions of the Act respondent no.2 would be under an obligation to forward a proposal for verification of the caste certificate of respondent no.1 to the caste scrutiny committee, seeking its validity. It appears that respondent no.2 has not so far forwarded the proposal despite representations made in that regard by the petitioner.

3. In the facts of the case, as certainly there is a statutory obligation on respondent no.2 to seek validity of the caste certificate of respondent no.1, we propose to dispose of the petition by directing respondent no.2 to forward the caste certificate of respondent no.1 to the appropriate Caste Scrutiny Committee, seeking validity of the caste certificate as per provisions of the said Act. Such a proposal be forwarded within a period of two weeks from today. The appropriate Caste Scrutiny Committee is directed to decide the proposal as forwarded by respondent no.2 within a period of eight weeks thereafter. All contentions of the parties on the merits of the matter are expressly kept open.

4. Writ Petition is disposed of in the above terms. No costs.

Parties to act on an authenticated copy of the order.

G.S.KULKARNI, J

ANOOP V.MOHTA, J

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