

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL WRIT PETITION NO.11481 OF 2015**

Rambhau Ramkrishna Satav Petitioner
vs
Sukhdeo Natha Chougule & Ors .. Respondents

Mr.Manoj Patil for Petitioner
Mr.M.S.Karnik i/b Mr.A.S.Pandire for
Respondent no.1
Mr.Vikas Mali Asst.Govt.Pleader for State

***CORAM: NARESH H.PATIL AND
G.S.KULKARNI, JJ
DATE: 5TH FEBRUARY 2016***

P.C.

Rule. Rule returnable forthwith. By consent heard finally.

2. The Petitioner raises challenge to the Caste Validity Certificate granted in favour of Respondent no.1 by the Divisional Caste Scrutiny Committee No.1 Nasik Division, Nasik on 16th September, 2006 and a communication made by the Respondent No.4-Divisional Caste Scrutiny Committee, Nasik on 7th October, 2015 rejecting the application of the Petitioner seeking to review the order of validating the caste claim of the Respondent no.1.

3. Learned counsel appearing for Petitioner submits that the

Petitioner alleges misrepresentation and fraud played by Respondent no.1 on the Committee for obtaining the Caste Validity Certificate. It is the Petitioner's submission that the caste Verification Committee did not call for vigilance cell report before issuing Validity Certificate.

4. Mr.M.S.Karnik learned counsel appearing for Respondent no.1 submitted that the Petitioner is approaching this Court after abnormal delay. The Petitioner's caste claim was verified and a Caste Validity Certificate was issued in the year 2006 against which the Petitioner approached the Committee in the year 2015 and on this ground alone the Petition deserves to be dismissed in view of there being serious laches on the part of the Petitioner.

5. The learned Assistant Government Pleader had produced the original record maintained by the Caste Scrutiny Committee relating to caste validity proceedings in the case of Respondent no.1.

6. We have perused the same. We have noted the following infirmities in the record :

- i) The Caste Scrutiny Committee has not recorded reasons for upholding the claim of Respondent no.1 in respect of his caste status.
- (ii) The vigilance Cell report was not called by the Committee prior to arriving at a decision to grant validity certificate in favour of the Respondent no.1.

7. No doubt the submissions advanced by the learned counsel for Respondent no.1 deserves consideration as it is experienced that such requests are made by parties for reviewing the order passed by the Committee after a lapse of number of years. In the present case, the Petitioner alleges fraud and misrepresentation on the part of the Respondent no.1. We may hasten to add that mere assertions of fraud or misrepresentation for getting the latches condoned for a possible remand could not be a sufficient ground. The case has to be looked into from various angles and in its entirety keeping in view the subject enactment. Apart from the grounds of fraud and misrepresentation, we find two deficiencies in the decision making process undertaken by the Committee which is referred to above by us after scrutinizing the records and proceedings. We find that it is sufficient enough in the facts of this case to remand the matter back to the Committee for a fresh consideration of the

claim of Respondent no.1 on its own merits. It is clarified that we have not expressed any opinion on the contentions and/or allegations made by the Petitioner in this Court in respect of the caste status of Respondent no.1. The Caste Scrutiny Committee is entitled to allow the contesting parties to lead appropriate evidence and reach a final decision by passing a reasoned order.

8. Mr.M.S.Karnik learned counsel for the Respondent no.1 submitted that the Petitioner is an elected Director of Respondent no.2-Federation. Therefore, necessary orders be passed for protecting the Petitioner's election on account of remand of the matter back to the Committee.

9. In the facts and circumstances of the case, we pass following order :-

ORDER

(a) *The Caste Validity Certificate dated 16th September 2006 issued by Divisional Caste Scrutiny Committee No.1. Nasik Division, Nasik and the impugned communication dated 7th October 2015 issued by the Divisional Caste Scrutiny Committee No.1 Nasik Division, Nasik is quashed and set aside;*

(b) The matter is remanded back to the Caste Scrutiny Committee, Nasik to decide the proposal dated 19th August, 2015 expeditiously for caste verification of Respondent no.1 herein on its own merits.

(c) We direct that no adverse order be passed against Respondent no.1 as a Director of Respondent no.2 on account of the setting aside of the Caste Validity Certificate by this Court and remanding the matter back to the Committee till the Committee finally decides the issue. In case the Caste Scrutiny Committee decides adverse to Respondent no.1, such order shall not be given effect to for a period of two weeks from the date of receipt of the order by the Respondent no.1.

Rule made absolute in the above terms. No order as to costs.

G.S.KULKARNI, J

NARESH H. PATIL J

