

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13654 OF 2016

Tanvirpasha Papamiya Inamdar	Petitioner
versus	
State of Maharashtra and others	Respondents

Mr.C.K.Bhangoji i/by H.D.Mulla for Petitioner.
Mr.Vikas Mali, AGP, for Respondents-State.

CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.

DATE : 9th December 2016

PC :

1. Not on board. Production of papers is permitted at 11 a.m..
2. Heard. Feeling aggrieved by the communication dated 17th March 2016 (Exhibit-A to the petition) issued by Respondent no.2 informing the Petitioner that his application for caste verification claim has been rejected as he has not succeeded in the election, the Petitioner has filed this petition. According to the Petitioner, the caste verification claim was required to be decided by Respondent no.2 Committee on merits and Petitioner's claim could not have been thrown merely on the ground that Petitioner did not succeed in the election which he had contested.
3. Learned AGP on the other hand, has supported the impugned order.

4. Having considered the submissions made by learned counsel for parties, we are of the view that impugned communication dated 17th March 2016 cannot be sustained. When an applicant makes an application seeking verification of his caste claim before Caste Scrutiny Committee, it is incumbent upon the said Committee to decide such claim on merits and the Committee cannot close the matter and decline to take decision on the ground that the Applicant did not succeed in the election.

5. Accordingly, impugned order dated 17th March 2016 deserves to be and is hereby quashed. The matter is remanded back to Respondent no.2 Committee to decide caste claim of the Petitioner on merits. Petitioner shall appear before Respondent no.2 Committee on 21st December 2016 at 11 am.. Respondent no.2 Committee shall thereafter decide the Petitioner's caste claim, on merits, within four months from the date of appearance of the Petitioner before it. With these observations, the petition stands disposed of. No order as to costs.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)