

mm

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11632 OF 2014

Dinesh Tuljaram Kalyankar

...Petitioner

Vs.

State of Maharashtra & Ors.

...Respondents

Mr. J.G. Reddy, Advocate for the Petitioner

Mr. Bhushan P. Kakade, AGP for the Respondents

**CORAM : SHANTANU S. KEMKAR &
M.S. KARNIK, JJ.**

DATED : 23RD AUGUST, 2016

P.C. :

. Parties through their Counsel. The Petitioner by filing this Petition has challenged the impugned order order dated 24th April, 2014 **Exhibit-O** passed by the Caste Scrutiny Committee, Solapur whereby the Petitioner's caste validity claim has been rejected.

2. Learned Counsel for the Petitioner submitted that the Petitioner's two real elder brothers namely Amol and Pramod have been granted the caste validity certificate, which were duly validated by the same Committee prior to passing of the impugned order, but this fact has been ignored by the Committee and the

Petitioner's claim has been rejected.

3. Learned Counsel for the Petitioner has placed reliance on the order passed by the Division bench of this Court in the case of **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee 2010(6) Mh. L.J. 401** to contend that in such circumstances the Petitioner's claim should not have been rejected.

4. Having considered the statements made by the learned Counsel for the parties we are of the view that the Caste Scrutiny Committee ought to have considered the Petitioner's claim keeping in view that his two real elder brothers were already granted caste certificate duly validated by the Committee on the same facts and same evidence.

5. In the circumstances we set aside the impugned order and remand back the matter to the Caste Scrutiny Committee for deciding the Petitioner's claim afresh keeping in view the judgment passed in the case of **Apoorva (supra)** as expeditiously as possible, but in any case not later than 3 months from the date of receipt of

the copy of this order. Needless to say that the Committee shall examine the case and if it is covered by the order passed by this Court in the case of **Apoorva (supra)**, appropriate decision be taken.

6. The Writ Petition stands disposed of. The interim order, if any, to continue till the matter is decided afresh by the Committee.

7. The Petitioner to appear before the Divisional Caste Scrutiny Committee on 31st August, 2016.

8. Parties to act on the authenticated copy of this order.

(M.S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)