

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.928 OF 2015

Sham Krishna Bendre ..Petitioner
Versus
Divisional Caste Certificate
Scrutiny Committee No.1 and others ..Respondents

Mr. Saurabh Pakale, i/by Avinash Belge, for the petitioner.
Mr. P. G. Sawant, AGP for the Respondent State.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR JOSHI, JJ.**

DATE : 31st MARCH, 2016.

P. C. :

1. Heard Mr. Pakale, learned counsel appearing for the petitioner and Mr. Sawant, learned AGP for the State.
2. By this petition filed under Article 226 of the Constitution of India, the petitioner is challenging the order dated 24.04.2014, passed by respondent No.1 Divisional Caste Scrutiny Committee; whereby the petitioner's claim that he belongs to caste, "Hindu Khatik (Schedule Caste)" has been rejected and the Caste Certificate issued to the petitioner to that effect by the Executive Magistrate, is invalidated.
3. The Vigilance Committee has carried out an enquiry into the petitioner's claim and accordingly submitted a report dated 16th December, 2013 to the Caste Scrutiny Committee, a copy of which is annexed to this petition as Exhibit "C". The perusal of the report

discloses that the petitioner belongs to Scheduled Caste (Hindu Khatik) Community. However, this report is not taken into consideration by the Caste Scrutiny Committee, while rejecting petitioner's claim.

4. Be that as it may, counsel for the petitioner has placed on record Caste Validity Certificate dated 25.1.2016 of his cousin brother Sanjay Uttam Bendare. This Caste Validity Certificate was issued subsequent to the order impugned in the petition and therefore, the petitioner had no opportunity to produce the same before the Caste Scrutiny Committee.

5. In the above circumstances, the impugned order cannot be sustained and the same is quashed and set aside. The matter is remanded to the respondent No.1 Caste Scrutiny Committee to take decision afresh after considering the report of Vigilance Committee and the Caste Validity Certificate of petitioner's cousin Sanjay Uttam Bendare dated 25.1.2016. Respondent No.1 shall decide the petitioner's claim as expeditiously as possible and preferably within a period of six months from the date of this order.

[DR. SHALINI PHANSALKAR JOSHI, J.]

[RANJIT MORE, J.]