

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

WRIT PETITION NO. 7662 OF 2016

**ABDUL BABA ABDUL KHADAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**Advocate for Petitioner : Mr. S.G.Kawade
AGP for Respondents 1 to 3 : Mr. A.S.Shinde
Adv. For resp.no.4 : Mr. A.A.Mukhedkar**

.....

CORAM : R.M.BORDE AND K.L.WADANE, JJ.

DATED : 24th APRIL, 2017

O R D E R :

Rule. Rule is made returnable forthwith.
With the consent of the learned counsel for the
respective parties the petition is taken up for
final hearing at the admission stage.

2. The petitioner is objecting to the order
passed by the Scrutiny committee on 18.2.2016
directing invalidation of the caste certificate
issued to the petitioner. The petitioner claims
to belong to Momin caste which is included in
Other Backward category.

3. Since the petitioner contested election to the Village Panchayat, the caste certificate issued to him came to be referred for verification to the Scrutiny Committee. The Scrutiny Committee, after considering the objection of the objector and in the absence of the petitioner directed invalidation of the caste claim of the petitioner. The petitioner contends that he was not present before the Committee when the order was passed.

4. Since the petitioner has not been extended proper opportunity of hearing to put forth his case, we deem it proper to grant another opportunity to the petitioner to substantiate his grievance.

5. Since the order has been issued by the Scrutiny Committee in the absence of the petitioner, we deem it appropriate to allow the petition and remit the matter back to the Scrutiny Committee for reconsideration.

6. The order passed by the Scrutiny Committee dated 18.2.2016 is quashed and set aside and the matter stands remitted back to the Scrutiny Committee for reconsideration. The petitioner shall appear before the Scrutiny Committee on 8.5.2016. As such, no notice requiring petitioner's presence before the Committee shall be necessary. The Scrutiny Committee, after extending opportunity to the petitioner, shall proceed to decide the matter, in accordance with law, as expeditiously as possible, preferably within six months from today, and it is accordingly directed.

7. Rule is made absolute accordingly in the above terms. No costs.

(K.L.WADANE, J.)

(R.M.BORDE, J.)

dbm/wp7662.16