

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

930 WRIT PETITION NO. 1857 OF 2011

RAJESHREE RAJESH RADDY OGALE

VERSUS

SC,VJ,OBC AND SPL.BC CATEGORY DIVISIONAL CASTE CERTIFICATE
SCRUTINY COMMITTEE NO.

...

Advocate for Petitioner : Mr. Venjane Tukaram M.

AGP for Respondents:

Advocate for Respondent No. 2: Mr. Satish S. Manale

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 7th February, 2017

ORDER:

1. One of the arguments advanced by Mr. Venjane, the learned counsel for the petitioner is that the Committee constituted for deciding validation proceedings was not properly constituted.

2. The proceedings are decided in June, 2010 and the President of the committee was Additional Collector (Selection Grade). According to the learned counsel, at the relevant time, President of the Committee ought to be of the rank of Commissioner. The learned counsel relies on the judgment of the Division Bench of this Court in the case of **Mangesh Nivrutti Kashid Vs. District Collector, Satara and others**, reported in **2012(5) Mh.L.J. 473**.

3. The learned AGP submits that Rules have been amended. Now, the person of the rank of Additional Collector can be the President of the Committee to decide the validation proceedings.

4. It appears that the said Rules have come into force in the year 2012. Impugned judgment has been passed in June, 2010 i.e. prior to the Rules coming into force. It is not disputed that at the relevant time, the Committee was required to be headed by the person of the rank of Commissioner. Judgment of this Court in case of **Mangesh Nivrutti Kashid**, referred supra, also lays down the said aspect.

5. It is submitted by Mr. Venjane, the learned counsel for the petitioner, that the petitioner is not interested in job with respondent no.2 and is not claiming relief as against respondent no.2.

6. Considering the aforesaid aspects, we pass following order:

ORDER

- i. The impugned order is quashed and set aside. The matter is relegated before the Committee for decision afresh.

ii. The petitioner shall appear before the Committee on 23.02.2017. The Committee shall thereafter decide the said proceedings afresh, on its own merits, in accordance with law, expeditiously, preferably within nine months from the date of appearance of the petitioner.

iii. All contentions are kept open.

iv. Writ petition disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC