

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

BENCH AT AURANGABAD.

WRIT PETITION NO.12474 OF 2017

Raju @ Rajendra Damodhar
Lawande ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.P.V.Jadhavar, advocate for the petitioner
Mr.K.D.Mundhe, A.G.P.for the State.

...

**CORAM : S.V.GANGAPURWALA AND
S.M.GAVHANE, JJ.**

Date : 05.12.2017.

PER COURT :

1. Mr.Jadhavar, learned counsel submits that the hearing before the Committee took place on 15.12.2016 and thereafter the Committee did not take any steps and delivered judgment only on 9.8.2018, after lapse of almost eight months. Such a judgment can not be sustained. The learned counsel relies on the order dated 29.1.2015, passed by this Court in Writ Petition

No.347/2011 with connected Writ Petitions.

2. We have heard learned A.G.P.

3. It appears from the impugned judgment that the Committee heard the matter on 15.12.2016 and thereafter the matter was reserved for judgment. The judgment is delivered on 9.8.2017 after about eight months.

4. Time and again, the Apex Court and this Court has held that after hearing the matter, the judgment has to be delivered within a period of 30 days or extended time of 60 days. There is no reason for not delivering the judgment for a long slumber of eight months. On this count itself, the judgment deserves to be set aside and the Committee is required to be directed to decide the said proceeding afresh after hearing the petitioner.

5. Considering all the aforesaid aspects of the matter, we pass the following order :

i) The impugned judgment and order delivered by the Committee invalidating the caste claim of the petitioner as Koli-Mahadev - Scheduled Tribe is quashed and set aside.

ii) The parties are relegated before the Committee for deciding the said proceedings afresh.

iii) The petitioner shall appear before the Committee on 21.12.2017.

iv) The Committee shall after hearing the petitioner, decide the validation proceedings afresh, expeditiously.

v) Liberty to submit additional documents, which would be considered by the Committee, and if required, the Committee can also refer the same to the vigilance.

vi) The Writ Petition accordingly stands partly allowed. No costs.

(S.M.GAVHANE, J.)

(S.V.GANGAPURWALA, J.)

