

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

903 WRIT PETITION NO. 697 OF 2016

SHANKAR SUHAS DURUGKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Halkude S.S.
AGP for Respondents/State : Mr. P.S. Patil
...

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**
DATE : 21.06.2017.

P.C. :-

. The petitioner has challenged the order passed by the Scrutiny Committee refusing caste validity certificate.

2. The petitioner claims that he belongs to 'Saitwal' Other Backward Class. He relies upon the certificate issued by the Sub-Divisional Officer, Nilanga, District Latur on 05.02.2007.

3. The case of the petitioner is that he came to be appointed as a Teacher in the third respondent school. The petitioner was appointed against a reserved seat. That is how the petitioner's employer forwarded the caste certificate for scrutiny and verification of the competent Scrutiny Committee. The petitioner submits that the second respondent-

committee has not given him complete opportunity of substantiating and proving his case.

4. The petitioner relies upon the additional documents which were also referred according to him before the committee but omitted from consideration. The additional documents have also been compiled before us and tendered in a list.

5. After we have heard both sides for some time, we have found that the petitioner relies upon even a clarification from the State Government and a request to the competent Scrutiny Committees that in cases of those who claim to be belonging to Saitwal Other Backward Cass as notified by the State in 1967, in their school and other records the caste is entered therein as 'Jain'. That is a clear confusion and merely because such entries are found does not mean that the claimants do not belong to Other Backward Class. Merely because such entries are found their claims should not be rejected. A scrutiny and verification of that claim should be done in accordance with the guidance provided by the Government.

6. After having noticed this material in the form of annexures to the petition and the compilation of documents, we are of the view that

interest of justice would be served, if we quash and set aside the impugned order and remit the matter back to the committee. The committee shall decide the matter afresh and in accordance with law without being influenced by its earlier order or any observations, findings and conclusions therein. We clarify that we have not held that the petitioner belongs to Saitwal Other Backward Class or otherwise. All contentions of the petitioner are kept open. The writ petition succeeds in these terms. The claim shall be decided expeditiously and the petitioner will co-operate with the committee by not seeking unnecessary adjournments.

7. Since we quashed and set aside the order impugned in this petition, we are of the opinion that till the Scrutiny Committee decides the claim afresh and in accordance with law, the services of the petitioner if not terminated, shall not be terminated only on this ground. The writ petition is accordingly disposed of.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]