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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1377 OF 2016

Sameer Zekar Dabre

... Petitioner

V/s.

Divisional Committee for
Scrutiny of Caste Certificates
No.1 and others

... Respondents

Mr. R. S. Datar, for the Petitioner.

Mr. Vikas Mali, AGP for the Respondent Nos. 1 to 3.

Ms. Swati Sagvekar, for Respondent No.2.

Mr. Irfan A. Shaikh, I/by Mr. S. B. Shetye,
for Respondent No.5.

**CORAM : NARESH H. PATIL &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 7th APRIL, 2017.

P.C. :

1] The petitioner contested election as Corporator on the basis of Caste Certificate No. BC/VJNT/OBC/SR No.12025/141/2003, dated 7th April, 2003, issued by the Sub Divisional Officer (Revenue), Bhiwandi Division, Bhiwandi, certifying him to be a person belonging to Muslim Daldi. Counsel submits that entry at Sr. No.329, of the list of Other Backward Classes,

recognized in the State of Maharashtra, relates to “Muslim Macchimar (Daldi)”, recognized as O.B.C.

2] The petitioner's certificate is not in accordance with the entry as recognized by the State of Maharashtra. Therefore, consideration of the caste claim based on the caste certificate annexed as Exhibit “A” would be of no consequence. In our view Certificate itself is defective one.

3] At this stage, learned counsel appearing on behalf of petitioner, on instructions from the petitioner, who is present in the Court, states that he would apply for fresh certificate from the Sub Divisional Officer claiming to be of “Muslim Macchimar (Daldi).

4] The Petitioner may resort to appropriate remedy as permissible to him. In this view of the matter no interference is warranted at this stage. The petition stands disposed of.

5] Counsel at this stage, states that as the Petitioner is a sitting Corporator, some protection be granted. For a period of four weeks, we direct no coercive steps be initiated against the petitioner.

[DR.SHALINI PHANSALKAR-JOSHI, J.] [NARESH H. PATIL, J.]