

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 4255 OF 2017

Ajay Sahebrao Baraskar

...Petitioner

*Versus*The State Of Maharashtra Through Its
Chief Secretary And Ors.

...Respondents

WITH**Writ Petition (ST) NO. 5576 OF 2017**

Balasaheb Asaram Sarate

...Petitioner

*Versus*The State Of Maharashtra Through Its
Chief Secretary And Ors.

...Respondents

*Mr.Pradeep Sancheti, Senior Advocate i/b. Mr.Ashish Mehta, for the
Petitioner in WP No.3151 of 2014.**Mr.Mihir Desai, Senior Advocate with Mr.Ushajee Peri, for the
Petitioner in WP No.4255 of 2017.**Mr.V.N.Thorat i/b. Mr.PV.Thorat, for the Petitioners in WP(st)
No.5576 of 2017.**Mr.Tauseef Sayyed and Mr.Momin Musaddique Nachan for the
Petitioner in WP no.937 of 2017.**Mr.S.B.Talekar, for the Petitioner in WP No.11368 of 2016.**Mr.J.G.Reddy, for the Petitioners in PIL 48/2015 and 201/2014, PIL
48/14, WP(St) 10755/2017.**Mr.Aspi Chinoy, Senior Advocate i/b. Mr.Hemant Ingle for the
Applicant in CHSL no.71 of 2017.*

Mr.Vijaysinh Thorat, Senior Advocate with Mr.Ravi Kadam, Senior Advocate, Mr.A.B.Vagyani, Government Pleader, Mr.PG.Sawant, AGP and Ms.Prachi Tatake, AGP for the State and for the Applicant in Civil application.

Mr.Amit Karande i/b. Mr.Ashish Pawar, for the Intervenor/applicant in CHS No.225 of 2016.

Mr.Vijay Killedar for the applicant in C.A.No.113/16.

Mr.Sagar Divekar with Ms.Aparna Suresh for the applicants in CHS no.32 of 2017.

Ms.Rachana Chavan, for the Petitioner in PIL 140/14.

Mr.Pankaj Sawant, Senior Advocate i/b. Mr.Hemant Ingale for the Applicant in CA 110/14.

Mr.Sangharaj Rupwate with Mr.Miling Ingole, Manoj Jadhav, for the Petitioner in PIL 126/09.

Mr.S.B.Talekar i/b. Talekar & Associates for the Petitioner in 11368/16.

Mr.Parag Vyas, for Union of India in PIL.

CORAM : DR. MANJULA CHELLUR, C. J., & G.S.KULKARNI, J.

DATE : MAY 4, 2017

P. C.

1. An affidavit came to be filed by one Dinesh T. Waghmare, Secretary to Government Social Justice Department, Mantralaya. The relevant paragraphs thereof read as under:-

“5. I further state that, it is true that the Maharashtra State Commission for Backward Classes was called upon

to scrutinize and give recommendations on the quantifiable data collected by Rane Committee before promulgating the ESBC ordinance. However, the then commission had refused to scrutinize the said data and in return had asked the Government as to what action it had taken on 22nd report.

6. I further state that, the data placed on record has not been looked into by the commission. The data presently available on record is multidimensional and extensive, touching various aspects like socio cultural, socio economic, socio political, historical and geographical and merits detailed examination. The Maharashtra State Commission for Backward Classes set up under the Maharashtra State Commission for Backward Classes Act, 2006 is a specialized body expressly conferred with the power to analyse and report on the same.

7. I further say that, having considered all aspects, it is the stand of the government that this Hon'ble Court may permit the State of Maharashtra to place all available data including data collected by Rane Committee and also data filed in additional affidavit dt. 03.12.2016 in WP No.3151/2014 to the Maharashtra State Commission for Backward Classes duly constituted under the Maharashtra State Backward Classes Commission Act, 2006 for its consideration and making of a report thereon in accordance with the statute.

8. I further state that, the State in this regard supports the stand taken by the Petitioners in WP (St.) No.5576/2017 and connected WP No.4255/2017 and desires that the data be referred to the commission for its scrutiny, verification and recommendations about the social and educational backwardness and eligibility for reservation of Maratha Community.

9. I further state that, the State Government is also of the opinion that the present available data be sent to the State Commission for Backward Classes for its consideration and making of a report in accordance with statutory mandate, as the Commission will be in position

to go into the factual aspect and take decision in accordance with law.”

2. After hearing learned Senior Counsel Mr.Vijaysinh Thorat for the State, Mr.Aspi Chinoy, learned Senior Counsel for the applicant in Chamber Summons, Mr.VN.Thorat, learned Counsel for the Petitioners in Writ Petition (St) No.5576 of 2017 and Mr.Pradeep Sancheti, learned Senior Counsel for the Petitioner in the main Writ Petition No.3151 of 2014, we make it clear that if the State of Maharashtra is desirous of placing data including the data collected by Rane Committee and also the data filed in additional affidavit dated 3.12.2016 before the Maharashtra State Commission for Backward Classes duly constituted under the Maharashtra State Backward Classes Commission Act,2006, we are of the opinion that there need not be any positive direction/permission from the Court. Apparently, there seems to be no impediment for the State to place such data, if they so desire, before the Commission, in their own wisdom. Therefore, we are not inclined to accede to the request made by the petitioners seeking our permission / direction to send the said data.

3. We make it clear that the State of Maharashtra is at liberty to do what they want to do with the data collected, as permissible in law. It is needless to state that even if such data is forwarded or if sent as desired by the State Government, the contentions which are already pending for consideration / all

contentions raised in the main petition and other connected petitions are kept open.

4. Both the Writ Petitions are disposed of.

(G.S.KULKARNI, J.)

(CHIEF JUSTICE)