

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

WRIT PETITION NO. 3567 OF 2017

Mr.Ghanshyam Ramchandra Khedkar	]	
Age : 49 years, Occ.: Agriculture,	]	
Resident of Charholi (Bk), Tal. Haveli,	]	
District : Pune – 412 105.	]	
	]	Petitioner

Versus

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|--|---|-------------|
| 1. The State of Maharashtra |] | |
| (Through the Secretary, |] | |
| Social Welfare and Justice Department, |] | |
| Mantralay, Mumbai – 400 032). |] | |
| |] | |
| 2. The Divisional Caste Certificate Scrutiny |] | |
| Committee, |] | |
| Pune Division, Committee No.3, |] | |
| Pune. |] | |
| |] | |
| 3. Mr.Nitin Pratap Kalje, |] | |
| Residing at Charholi (Bk), Tal. Haveli, |] | |
| District : Pune – 412 105. |] | Respondents |

- Mr.Ganesh Bhujbal for the Petitioner.
- Mr.V.M. Mali, AGP for the State.
- Mr.A.A. Kumbhakoni, Senior Counsel i/b. Mr.Akshar Shinde for Respondent No.3.

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

DATE : 24th APRIL, 2017.

JUDGMENT : (Per Naresh H. Patil, J.)

1] Rule. Rule made returnable forthwith. Heard finally, by consent of the parties.

2] The Petitioner contested election against Respondent No.3, which has taken place in the year 2017 for Pimpri Chinchwad Municipal Corporation. The Petitioner was defeated in the said election and Respondent No.3 was elected from Other Backward Class (OBC) reserved constituency. Respondent No.3 claims to be “Kunbi” (OBC) by caste. Respondent No.3 has produced “Caste Validity Certificate” issued by the Committee, which is annexed at Exh.A.

3] The counsel appearing for the Petitioner submits that the order passed by the Divisional Caste Certificate Scrutiny Committee, Pune Division, Committee No.3, Pune, declaring the caste of Respondent No.3 as “Valid” is annexed at Exh.A. The order is unreasoned one and lacks necessary particulars and application of mind to the facts of the case.

4] Learned Government Pleader, on instructions, submits that there is no other order available than the one which is annexed at Exh.A to the petition.

5] Learned Senior counsel appearing for Respondent No.3 submits that Respondent No.3; firstly, contested in the year 2012 and got elected on the same Caste Certificate, thereafter, contested the election in the year 2017 successfully and now challenge is raised to the Petitioner's "Caste Validity Certificate". Learned counsel, therefore, submits that the petition is politically motivated. One Election Petition filed by the Petitioner against Respondent No.3, in the year 2012 is still pending.

6] In the facts of the case, we find that the impugned order passed by the Divisional Caste Certificate Scrutiny Committee No.3, Pune is un-reasoned order, there is no discussion of the merits. We are surprised to notice that the Committee could pass such an un-reasoned and cryptic order. On this ground alone, the order deserves to be quashed and set-aside and the matter deserves to be remanded back to the Committee.

Order

- i) The impugned order dated 29th January, 2012 passed by the Divisional Caste Certificate Scrutiny Committee No.3, Pune is quashed and set-aside.
- ii) Matter is remanded back to the Appropriate Committee.
- iii) We direct the Committee to scrutinize the Caste Verification Claim of the Petitioner afresh on its own merits and strictly in accordance with law.
- iv) The Committee is directed to complete this exercise within four months.
- v) All the issues on merits are kept open.
- vi) It is clarified that we have not expressed any opinion on merits.
- vii) For a period of four months, we direct that no coercive steps be taken.
- viii) Learned Government Pleader shall intimate the concerned Committee accordingly.
- ix) Registry shall forward the order to the Principal Secretary of Social Welfare Department, Government of Maharashtra.
- x) The Committee is entitled to call afresh Vigilance Cell Report. Parties are entitled to file afresh reply. After giving hearing to the contesting parties, reasoned order shall be passed.
- xi) Rule is absolute in the above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[NARESH H. PATIL, J.]