

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6974 OF 2016

WITH

CAW/1371/2017

Abhishek Dattatray Fiske

.... Petitioner

vs

State of Maharashtra & ors.

.... Respondents

Mr. R.K. Mendadkar for the petitioner.

Mr. C.P. Yadav, AGP for respondents 1 to 3.

**CORAM: ANOOP V. MOHTA AND
SMT. BHARATI H. DANGRE, JJ.**

DATE : September 27, 2017

FINAL ORDER:

1 Heard finally in view of urgency expressed.

2 The Petitioner has challenged the impugned order, whereby his Application to validate the caste certificate is rejected by the Committee inspite of two paternal side cousins' validity certificates are on record showing them to be belonging to Hindu Khatik (Scheduled Caste). We have noted that even the Vigilance Report supports the case of the Petitioner confirming even the relationship of Petitioner with those cousins.

3 The learned counsel for the Petitioner has pointed out and referred the judgment in *Apoorva Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No./1 and ors.*, **(2010) 6 Mh. L. J. 401**, whereby this Court after considering the provisions of law and giving importance to the caste validity certificate granted to the paternal side cousins/brothers and thereby directed the Scrutiny Committee to issue the caste certificate to the other cousin brothers. Recently, a Division Bench of this Court in *Ankita Ashok Nimmalwar v. State of Maharashtra & ors.*, in Writ Petition (Stamp) No. 25738/2017 decided on 25 September, 2017, reiterated the position by referring to update judgments on the issue and directed the Respondent-Scrutiny Committee to grant caste certificate based upon the earlier judgments and the settled position of laws.

4 Therefore, taking overall view of the matter and in view of the above undisputed position on record and so also of the law, we are inclined to allow the present writ petition in terms of prayers (a) and (b). Respondent No.4 is also directed to decide the claim of the Petitioner based upon this order so passed. The Scrutiny Committee is directed to comply with this order as early as possible and preferably within four weeks from today.

5 There shall be no order as to costs.

6 In view of disposal of writ petition, Civil Application
No.1371/2017 stands disposed of accordingly.

(BHARATI H. DANGRE, J.)

(ANOOP V. MOHTA, J.)