

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6973 OF 2017

Rasik Shirish Ransing

.... Petitioner

vs

State of Maharashtra & ors.

.... Respondents

Mr. R.K. Mendadkar with Mr.Tanaji Jadhav for the petitioner.

Mr. C. P. Yadav, AGP for respondents 1 to 4.

Ms. Snehal Abhaykumar Govekar, Senior Research Officer, Scheduled Tribe Caste Scrutiny Committee, Thane, present.

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

DATE : September 04, 2017

ORAL JUDGMENT (Per Anoop V. Mohta,J.):

1 Rule. Rule is made returnable forthwith. Heard finally by consent of parties.

2 The learned AGP, on instructions of Ms. Snehal Abhaykumar Govekar, Senior Research Officer, Scheduled Tribe Caste Scrutiny Committee, Thane, who is present in Court, makes statement pursuant to the order passed by this Court in *Apoorva Vinay Nichale*

vs. *Divisional Caste Certificate Scrutiny Committee No.1 and ors.*,¹ and the order passed by this Court in Writ Petition No.7320-2009-Mohan Babli Ransing v. State of Maharashtra dated 6 May 2016, whereby the Petitioner's real uncle Mohan has been granted validity certificate, will pass final order in favour of the Petitioner. In spite of settled position of law in *Apoorva (supra)*, the impugned order was passed by the Committee by overlooking the judgments and the fact that the caste validity certificate has been granted to the real brother of Mohan. There is no case of fraud or misrepresentation.

3 This Court issued show cause notice why action should not be taken against such officer of the Committee, in view of the contents of the impugned order. The Respondent-Committee members have filed the affidavit and tendered their unconditional apology. The justification so given, not to pass order, keeping in mind the judgments so referred above, in our view, is unacceptable. This Court has already observed that such Committee/Tribunal is also bound by the law of precedent. However, in the interest of justice and in view of the above statement, we are inclined to accept unconditional

1 2010 (6) Mh. L. J. 401

apology tendered by the concerned Respondent's Officers.

4 Hence, the writ petition is disposed of by following order :

ORDER

- (i) Impugned order dated 17.05.2017 passed by Respondent No.2-Committee is quashed and set aside.
- (ii) The Respondents to issue the caste validity certificate within two weeks from the receipt of copy of order.
- (iii) Rule made absolute accordingly.
- (iv) No costs.

(BHARATI H. DANGRE, J.)

(ANOOP V. MOHTA, J.)