

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8298 OF 2014**

Krishnath Ashok Patil

... Petitioner

Versus

The State of Maharashtra and anr.

... Respondents

Mr. Samir Kumbhakoni for the petitioner.

Mr. Vikas Mali, AGP for respondent nos. 1 and 2 State.

**CORAM : SHANTANU KEMKAR &
R.G. KETKAR, JJ.
DECEMBER 19, 2017**

P.C.:

Parties through their counsel.

2. Challenging the order dated 22.8.2014 Exh."M" passed by respondent no.2 Caste Scrutiny Committee No. 1 Solapur, whereby the petitioner's caste validity claim of he being *Hindu Wani* OBC has been rejected, petitioner has filed this petition.

3. According to the petitioner, on the same day when the impugned order was passed, respondent no. 2 Committee has allowed the caste claim of the petitioner's father's cousin namely Yogesh Madhukar Patil holding his caste to be as *Hindu Wani (OBC)*.

4. It is not in dispute that the petitioner's caste claim was not

based upon the caste claim of said Yogesh Madhukar Patil. In the circumstances, there was no occasion for the Committee to have decided the petitioner's claim on the basis of caste claim of said Yogesh Madhukar Patil.

5. Keeping in view the submissions made by the learned counsel for the petitioner that his blood relation from paternal side has been granted caste validity certificate as aforesaid, we deem it fit to set aside the impugned order and remand the matter back to the Caste Scrutiny Committee to decide petitioner's caste claim afresh.

6. Accordingly, the impugned order is set aside and matter is remanded back to the Caste Scrutiny Committee. Petitioner is directed to submit relevant evidence establishing his relationship with said Yogesh Madhukar Patil. Petitioner shall also submit caste validity certificate of said Yogesh Madhukar Patil before the Committee.

7. The Committee is free to decide the matter afresh keeping in view the law laid down by this court in the case of **Apoorva Vinay Nichale v/s Divisional Caste Certificate Scrutiny Committee No.1 and others, reported in 2010(6) Mh.L.J. 401** as also in view of the amended Rules 4 and 5 of Maharashtra Scheduled Castes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification

of) Caste Certificate Rules, 2012.

7. All the contentions of the parties are kept open.

8. Petitioner to appear before the Caste Scrutiny Committee on 8th January, 2018. We expect that the Caste Scrutiny Committee shall decide the petitioner's caste claim afresh as expeditiously as possible.

9. With the aforesaid directions, writ petition is disposed of.

(R.G. KETKAR, J.)

(SHANTANU S. KEMKAR, J.)