

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10332 OF 2017

Krishna s/o Vitthalrao Buchalwar ...Petitioner
v/s.
The State Of Maharashtra And Ors. ...Respondents

Mr S.M. Deshmukh, for the Petitioner.
Mr. A.A. Kumbhkoni, Advocate General a/w. Mr. Akshay Shinde,
Special Counsel and Mr. Sandeep Babar, AGP, for the Respondents.

**CORAM : SHANTANU KEMKAR &
G.S. KULKARNI, JJ.**

DATE : OCTOBER 04, 2017

P.C.:

- . Rule. By consent rule is made returnable forthwith.
2. Heard both the parties.
3. The second Respondent - Caste Scrutiny Committee has rejected the caste claim of the Petitioner by the impugned Order dated **2nd September, 2017**. The Petitioner has assailed the said order *inter alia* on the ground that just and proper opportunity of hearing has not been afforded to the Petitioner in accordance with the relevant Rules. It is the contention of the Respondents that in view of the Orders passed by the Hon'ble Supreme Court, the Committee was required to decide the claim of the Petitioner in a time bound manner, on account of which it was not possible for the

committee to strictly comply with the schedule prescribed by the relevant Rules.

4. Be that as it may, without going into the merits and demerits of the aforesaid and other contentions raised by both the sides, by consent of the parties, the impugned order passed by the first Respondent committee is quashed and set aside.

5. The Petitioner undertakes to appear before the first Respondent Committee on **9th October, 2017 at 11.00 a.m.** without insisting for issuance of notice in accordance with law and decide the validity or otherwise of the caste claim of the Petitioner as expeditiously as possible and endeavour to do so by **18th October, 2017**. The Respondent Committee shall do so afresh uninfluenced by any observation and/or conclusions contained in the impugned order.

6. While passing a fresh order, we expect that the Scrutiny Committee shall take into account the fact that the Petitioner's cousin uncle has been granted caste validity certificate after considering the pre constitution documents. The Scrutiny Committee shall also take into consideration, the Petitioner's contention that, the entries on the basis of which the Petitioner's claim has been rejected are not relevant and there are contrary

entries supporting the Petitioner's case. Let a speaking order be passed by the Scrutiny Committee by making observation in regard to each of the documents.

7. It is also to be noted by the Scrutiny Committee that we have come across various orders of the Committee wherein the Committee is not precise while deciding the caste validity certificate to the question. We expect that the Scrutiny Committee shall pass orders with due precision.

8. All contentions of both the sides on merits are kept open.

(G.S. KULKARNI, J.)

(SHANTANU KEMKAR, J.)