

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10492 OF 2017

Khan Sabahat Sartaj Mohammod
since minor, through its Guardian

...Petitioner

vs.

The State of Maharashtra and Others s

...Respondents

Mr. S.B. Talekar a/w. Ms. Madhavi Ayyappan i/b. M/s. Talekar &
Associates, for the Petitioner

Mr. A.A. Kumbhkoni, Advocate General a/w. Mr. Akshay Shinde,
Special Counsel and Mr. Sandeep Babar, AGP, for the Respondent.

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

DATE : OCTOBER 03, 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 Order that is impugned by the present Petition. 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 dated 2nd September, 2017 passed by the second Respondent committee is quashed and set aside.

5. The Petitioner undertakes to appear before the second Respondent Committee on **6th 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 **28th October, 2017**. The second Respondent Committee shall do so afresh uninfluenced by any observation and/or conclusions contained in the impugned order.

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

8. The Petition stands disposed of as such.

(G.S. KULKARNI, J.)

(SHANTANU KEMKAR, J.)