

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10493 OF 2017

Shaikh Imadoddin Wajidoddin
s/o Shaikh Wajidoddin Fakroddin ... Petitioner

vs.

The State of Maharashtra and Others ... Respondents

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

Mr. A.A. Kumbhakoni, Advocate General a/w. Mr. Ashutosh Gavnekar, Special Counsel and Mr. Sandeep Babar, AGP, for the Respondent-State.

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 facts of the present case are very peculiar as the petitioner belongs to Takankar, Muslim religion. His second cousin

uncle has been granted caste validity certificate on 12 August 2011. In his file, we find that due vigilance enquiry was undertaken but in the impugned order, the Committee has observed that no satisfactory vigilance enquiry was conducted in the said matter.

4 Be that as it may, the petitioner's contention is that no just and proper opportunity of hearing was afforded to the petitioner in accordance with the relevant Rules and as such it was not possible for the petitioner to make appropriate submissions. We have noticed that the Committee has not given the requisite time for filing reply to the show cause notice.

5 In the circumstances, without going into the merits and demerits of the matter and other contentions raised by both the sides, by consent of the parties, the impugned order dated 31st August, 2017 passed by the second Respondent Committee is quashed and set aside.

6 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 on/or before 16th October, 2017. The second Respondent Committee shall do so afresh uninfluenced by any observation and/or conclusions contained in the impugned order.

7 We permit the petitioner to submit any other additional material on record before the Committee.

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

9 The Petition stands disposed of as such.

(G.S. KULKARNI, J.)

(SHANTANU KEMKAR, J.)