IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELALTE JURISDICTION

WRIT PETITION NO. 10511 OF 2017

Adesh Ashok Chintalwar ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. S.B. Talekar a/w Ms. Madhavi Ayyappan i/by M/s. Talekar and Associates for the Petitioner.

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

CORAM : SHANTANU KEMKAR &
G.S.KULKARNI, JJ.
OCTOBOER 03, 2017

P.C.:

Rule. By consent rule is made returnable forthwith. Heard parties.

2. The 2nd 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.

3. 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 Order impugned in the present petition dated 31.08.2017 passed by the 2nd respondent committee is quashed and set aside.

4. The Petitioner undertakes to appear before the 2nd 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 2nd Respondent Committee shall do so afresh uninfluenced by any observation and/or conclusions contained in the impugned order.

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

(G.S. KULKARNI, J.) **(SHANTANU S. KEMKAR, J.)**