

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11207 OF 2017

Nalinkumar s/o Dattu YadgirikarPetitioner
V/s.
The State of Maharashtra
Through its Secretary & Ors.Respondents

Mr. Anandsingh Bayas i/by Mr. A.V.Sakolkar, Advocates for
Petitioner.
Mr. A.A.Alaspurkar, AGP for the Respondent-State.

**CORAM :- B.R.GAVAI &
SANDEEP K. SHINDE, JJ.**

DATE :- 12TH OCTOBER, 2017.

RC. :-

Issue notice to the Respondents returnable after four
weeks.

2 Rule. Rule made returnable forthwith. Since no order
prejudicial to the interest of the Respondents would be passed,
common requirement of notice is waived.

3 The Petition arises out of peculiar facts and
circumstances. The Respondent No.2-Committee vide order dated
30.8.2017 had invalidated the claim of the Petitioner as well his
daughter Neha.

4 The Petitioner and his daughter filed common Writ Petition (L) No.25760 of 2017 challenging the common order of the Scrutiny Committee rejecting their caste claim, which was heard by Special Bench consisting of Kemkar, J. and Kulkarni, J. Vide order dated 27.9.2017, the order of the Scrutiny Committee in so far as it relates to the daughter of the Petitioner is concerned, was quashed and set aside. However, since the Petitioner is in service, the Special Bench passed the order with regard to the present Petitioner allowing him to withdraw his Petition. As such, the Petitioner withdrew the Petition and filed the present Petition.

5 Since the order of the Scrutiny Committee, which is common, already stands quashed and set aside in so far as the Petitioner's daughter is concerned, we find that the present Petition also deserves to be allowed in the same terms.

6 The impugned order dated 30.8.2017 is quashed and set aside and the matter is remitted back to the Respondent No.2-Scrutiny Committee for considering the case of the Petitioner afresh.

7 Rule is made absolute in the above terms with no order as to costs.

(SANDEEP K. SHINDE, J)

(B.R.GAVAI, J)

