

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11155 OF 2017

Mohini d/o Vitthal Rawjiwar (Minor)
U/g of father- Vitthal Irrana Rawjiwar ... Petitioner

vs.

The State of Maharashtra and Others ... Respondents

Mr. Anil Golegaonkar a/w Mr. Madhur Golegaonkar, 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 05, 2017

P.C.:

1 Learned counsel for the petitioner submits that this
petition is out of the same category in relation to which the
Supreme Court has permitted to file the petition on or before 12th
September, 2017. He submits that the petition was drafted prior to
12th September, 2017 but the petitioner's mother suffered massive
cardiac attack and was hospitalised. The petitioner being her
minor daughter was to look after her and accompany her. In the
circumstances, the affidavit-in-support of the petitioner could not

be filed within time, same was sworn on 29th September, 2017 and the petition was filed on 3rd October, 2017. The matter was listed before Aurangabad Bench on 3rd October, 2017, on which by consent of the parties, it has been transferred to the Special Bench constituted at Bombay.

2 Having considered the submissions of learned counsel for the petitioner and having regard to the inability stated for not filing the petition before 12th September, 2017, we are satisfied that there was sufficient cause for the petitioner for not filing the petition before 12th September, 2017. In the circumstances, we accept this petition for consideration and for passing appropriate order. The fact that this petition is also amongst the matters specially assigned to this Bench has not been disputed by the learned AGP.

Hence heard and order passed separately.

(G.S. KULKARNI, J.)

(SHANTANU KEMKAR, J.)

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. 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 **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 **28th October, 2017**. The second Respondent Committee shall do so afresh uninfluenced by any observation and/or conclusions contained in the impugned order.

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

7 The Petition stands disposed of as such.

(G.S. KULKARNI, J.)

(SHANTANU KEMKAR, J.)