

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3856 OF 2017**

Vishwas K. Shirke

..Petitioner

Vs

The Member Secretary,
Caste Scrutiny Committee
Konkan Division, Thane and anr.

..Respondents

Mr. Nitin Gangal for the Petitioner.

Mr. Sandeep Babar, AGP for the Respondents-State.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : JULY 26, 2017.

P.C. :

. Not on board. In view of urgency, taken on production board.

2] Challenging the order dated 1st April 2016 passed by respondent No.1 Caste Scrutiny Committee, the petitioner has filed this petition.

3] After arguing for some time, learned counsel for the petitioner submits that the petitioner had failed to submit a relevant document which goes to the root of the matter and if it would have produced before the Caste Scrutiny Committee, then the decision

could have been different. He has placed on record the Death Certificate of his great grandfather, i.e., Raghu Laxman Shirke.

4] In the circumstances, a prayer has been made by learned counsel for the petitioner that the matter may be directed to be reconsidered by the Caste Scrutiny Committee, in view of the aforesaid document, i.e., Death Certificate Raghu Laxman Shirke filed in this petition at Exhibit-A.

5] In view of aforesaid prayer and in the interest of justice, we are of the view that the matter requires to be sent back to the Caste Scrutiny Committee for deciding the petitioner's caste claim afresh, keeping in view of Death Certificate of the petitioner's great grandfather, i.e., Raghu Laxman Shirke (Exhibit-A).

6] As a result, the impugned order is set aside and the matter is remanded back to the Caste Scrutiny Committee for deciding the petitioner's caste claim afresh, in accordance with law keeping in view of the Death Certificate (Exhibit-A).

7] The petitioner to appear before the Caste Scrutiny Committee on 21st August 2017 at 11.00 a.m.

8] The decision as aforesaid be taken by the Caste Scrutiny Committee within three months from the date of appearance of the petitioner.

9] The writ petition is disposed of in view of aforesaid terms.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)