

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3473 OF 2016

Digvijay Devanand Kadam

.. Petitioner

Vs.

The Member/Chairman,
Divisional Case Scrutiny Committee
& Anr.

.. Respondents

.....
Mr. Anand S. Patil, Advocate for the Petitioner.
Mrs. R.M. Shinde, AGP for Respondent Nos.1 and 2.
.....

**CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.**

DATED : MARCH 6, 2017.

P.C. :

Feeling aggrieved by the letter dated 25th May, 2015 (Exhibit-B) sent by respondent no.1 committee to the Principal of the institution where the petitioner is a student namely Narsinghrao Patil Junior College, Chandgad, Kolhapur, informing the said College about rejection of the petitioner's caste claim for the reasons stated in the said letter, the petitioner has filed this petition.

2 According to the petitioner, before passing the impugned order no opportunity of hearing was given to him. It is

also the case of the petitioner that his real sister namely Kadam Amruta Devanand has been awarded caste validity certificate dated 15th April, 2009 (Exhibit-D). In the circumstances, according to him, the impugned order passed by the Committee is liable to be set aside and the matter deserves to be remanded to the Committee for taking a fresh decision after giving opportunity of hearing to the petitioner and taking into note of the validity certificate issued by the Committee in favour of his real sister and any other documents, as the petitioner may be submitting in support of his caste claim.

3 Keeping in view the aforesaid submissions and the fact that before passing the impugned order, the petitioner has not been given opportunity of hearing, we set aside the impugned order and remand the matter to the Committee-Respondent no.1 for taking a fresh in accordance with law within four months of the date of appearance of the petitioner before the Committee.

4 The petitioner to submit all relevant documents in support of his claim and appear before the said Committee on 30th March, 2017 at 11.00 a.m.

5 With the aforesaid directions, the petition is disposed
of.

6 Interim relief granted earlier to continue till the
matter is decided afresh by the Committee.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)