

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8404 OF 2014

Pravin Laxminarayan Kamtikar .. **Petitioner**

Versus

The State of Maharashtra and others.. **Respondents**

Mr. Sushant C. Yeramwar, Advocate for the
Petitioner.

Mrs. M. A. Deshpande, Addl. G. P. for Respondent
No. 1.

Mr. K. D. Bade Patil, Advocate for Respondent
No. 2.

Mr. V. U. Pawar h/f. Mr. Smabhaji S. Tope,
Advocate for Respondent Nos. 3 to 5.

CORAM: S. V. GANGAPURWALA &
S. M. GAVHANE, JJ.

DATE: 10th October, 2018

PER COURT :

1. The case of the petitioner is that the original caste certificate is given to the department, however, the Scrutiny Committee has rejected the validation proceeding only on the ground that original caste certificate is not submitted. The learned counsel submits that the petitioner was required to submit the original caste certificate to the department so as to send the proposal to the committee. The proposal was sent to the Committee by the department and not by the petitioner in person. The learned counsel

submits that the Committee be directed to decide the proceeding on the basis of the copy of the caste certificate. The learned counsel relies on the order of this Court in a case of Nina Ravindra Salunke Vs. The State of Maharashtra and others passed in Writ Petition No. 8154 of 2013, dated 07.10.2013.

2. The learned Additional Government Pleader submits that the communication is made to the Executive Magistrate, Jalna however, instructions are not received with regard to availability of the record.

3. Under order dated 18.09.2018 we had directed the Addl.G.P. to take instructions from the Executive Magistrate, Jalna about issuance of the caste certificate relied by the petitioner. Thereafter, twice we had adjourned the matter, however, the instructions are not received by the learned Addl.G.P.

4. It appears that the proposal was sent by the

department to the Committee for verification of the caste claim. The original is not now traceable.

5. Considering the peculiar facts of the case, and also the order of this Court in Writ Petition No. 8154 of 2013, and that the respondent is not in a position to make a statement that the copy produced by the petitioner is not issued by them, we direct the Committee to finalise validation proceeding on the basis of the copy of the caste certificate on its own merits, in accordance with law, expeditiously and preferably within a period of six (6) months from today. The impugned order is quashed and set aside. The respondent may take further course of action depending upon the judgment that will be delivered by the Committee in the validation proceeding.

6. Writ Petition accordingly stands disposed of.
No costs.

[S. M. GAVHANE, J.] [S. V. GANGAPURWALA, J.]
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