

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10251 OF 2016**

Somnath Bhagwat Kamble

..Petitioner

Versus

**The Divisional Caste Certificate
Validation Committee No.1, Solapur
and others**

..Respondents

Mr. S. S. Patwardhan, Advocate for the Petitioner.

Mr. V. M. Mali, AGP for the Respondent Nos.1, 4 & 5.

CORAM : B. R. GAVAI &

M. S. KARNIK, JJ.

DATE : 6th SEPTEMBER, 2018

P.C.

1] In the present matter vide order dated 31st August 2018, we had directed the Principal Secretary, Social Justice and Special Assistance Department to personally remain present in the Court.

2] We were required to summon the Principal Secretary, since we had noticed that in spite of the judgment delivered by the Division Bench of this Court in the case of *Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee and others 2010(6) Mh.L.J. 401* to the effect that if close blood relatives of a candidate are already issued a Caste Validity Certificate, then natural corollary is that such a candidate should also be issued a Caste Validity Certificate. The members of the

scrutiny committee are following the said judgment only in breach.

3] In the present case, though the father of the Petitioner was granted a Caste Validity Certificate, the majority of the committee had refused claim of the Petitioner on the ground that the minority view in the case of Shivaji, the Petitioner's father's real brother was not challenged by the said Shivaji. To say the least, the view is perverse. We had therefore directed the Principal Secretary to remain present and explain as to what steps they would take so as to prevent the officers from passing orders, which are totally illegal. On account of such illegal and unsustainable orders being passed by the authorities, the Court is flooded with unwarranted litigation.

4] In pursuance to the order passed by this Court, Shri. Dinesh Waghmare, Secretary, Social Justice and Special Assistance Department is personally present in the Court. As stated in paragraph 17 of the affidavit, we accept the statement made by the Secretary and do hope that hereinafter the officers of the State Government would take necessary care and ensure that the law laid down by this Court is followed scrupulously. Needless to state that

as a matter of fact, vide notification dated 24th November 2017, the State Government has crystallized the law laid down by this Court in *Apoorva's case (supra)* and the rules framed therein. We do hope that hereinafter the officers, who are the members of the committee shall scrupulously follow the dictum of the rules and the law laid down by this Court.

5] We are informed that Caste Validity Certificate is already issued in favour of the Petitioner. In that view of the matter, nothing survives for adjudicating in the present Petition. The Petition is disposed of accordingly.

6] We could have taken serious view in the matter and penalize the committee members, who have not followed the dictum of this Court. However, in view of the statement made by the Principal Secretary, we do not propose to go further in the matter. However, we hereinafter direct that if such instances occur, we will be compelled to take serious view of the matter and take action as deemed appropriate in the facts and circumstances of the case.

[M. S. KARNIK, J.]

[B. R. GAVAI, J.]