

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9057 OF 2015

Smt. Tarabai Maruti Kale.

... Petitioner

Versus

State of Maharashtra & Ors.

... Respondents

Mr. Priyal G. Sarda for Petitioner.

Mrs. Ashwini Purav, AGP for State - Respondent Nos.1 to 4.

**CORAM : SHANTANU S. KEMKAR &
SARANG V. KOTWAL, JJ.**

DATE : 09th OCTOBER, 2018.

P.C. :

Challenging the order dated 17/07/2018-03/08/2015

Ex.'A' passed by Respondent No.2 Caste Scrutiny Committee, whereby the Petitioner's Caste claim as belonging to 'Mahar', has been rejected, the Petitioner has filed this Petition.

2. According to learned Counsel for the Petitioner, his real brother's grandson namely Shivsharan son of Parshuram Ashok, has been granted Caste Validity Certificate by the Caste

Certificate Scrutiny Committee, Pune Division, Committee No.1, Solapur, vide order dated 03/07/2015. He submits that due to lack of information about issuance of this Caste Validity Certificate in favour of her close blood relative, the same was not produced before the Caste Certificate Scrutiny Committee, when the matter was heard and decided by the impugned order.

3. According to learned Counsel for the Petitioner, the law laid down in the case of *Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & Ors*, reported in **2010 (6) Mh.L.J. 401** applies to the Petitioner's case and therefore, the Petitioner has good case for validating his caste certificate.

4. Having considered the submissions made by the learned Counsel for the Petitioner, as also learned AGP, we dispose of this Petition by setting aside the impugned order and remanding the matter back to the Caste Scrutiny Committee for deciding the Petitioner's caste claim afresh, keeping in view the

law laid down in the Apoorva's case (Supra). While deciding the Petitioner's caste claim, the caste validity certificate issued in favour of the Petitioner's brother's grandson, be also taken into consideration. Needless to say that the Petitioner if succeeds in proving relations from paternal side, the necessary benefits flowing from the decision of the Division Bench of this Court in Apoorva's case, be extended in favour of the Petitioner.

5. The Petitioner to appear before the Caste Scrutiny Committee on 30/10/2018 at 11.00 a.m. The Caste Scrutiny Committee shall decide the caste validity claim of Petitioner afresh, as directed above within six months from the date of appearance of the Petitioner before the Committee.
6. With the aforesaid directions, the Petition is disposed of.

(SARANG V. KOTWAL, J.)

(SHANTANU S. KEMKAR, J.)