

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

WRIT PETITION NO.11209 OF 2017

Raju Dattu Yadgirikar

.... Petitioner

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.A.V. Sakolkar, Advocate for Petitioner.
- Ms.Ashwini Purav, AGP for Respondent Nos.1 and 2.

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

DATE : 05th OCTOBER, 2018.

P.C. :

Challenging order dated 24/01/2008 Ex.'H' passed by the Second Respondent Cast Scrutiny Committee, the Petitioner has filed this Petition on 05/10/2017 i.e. after about 9 years. According to Petitioner since at that time he had contested the election and as such was interested for getting his Caste Certificate validated and therefore he had approached the Caste Scrutiny Committee. However, since he lost the election and entered into a job, he did not pursue the matter and remained

absent before the Caste Scrutiny Committee, as a result the matter was decided ex parte against him.

2. The apprehension of the Petitioner is that because of rejection of his Caste claim, his niece namely Neha Nalinkumar Yadgirikar may be deprived of the Caste Certificate and she may not succeed in her claim for validating her caste certificate, which is pending before the Caste Scrutiny Committee, after the remand of the case by this Court vide order dated 31/07/2018 in Writ Petition No.7416/18.
3. We have considered the submissions made by the leaned Counsel for the Parties.
4. Having considered the submissions of the counsel for both the sides we are of the view that the Petitioner has failed to explain the inordinate delay in filing the Petition. The delay and latches on the part of the Petitioner itself dis-entitles the Petitioner to claim any equitable relief in this Petition, filed under Article 226 of the Constitution of India.

5. As a result, we dismiss the Petition on the ground of delay and laches.
6. However, we would like to make observations in regard to the apprehension expressed by the Petitioner that the rejection of the Petitioner's caste validating claim and dismissal of this Petition may affect the rights of his niece Neha Nalinkumar Yadgirikar to claim validity of the caste certificate which is pending before the Caste Scrutiny Committee. In this regard suffice is to say that her claim cannot be rejected solely on the ground that her Uncle i.e. the present Petitioner has lost his case for validating the caste certificate either before the Caste Scrutiny Committee or before this Court. We expect that the Caste Scrutiny Committee shall decide claim of Neha Yadgirikar independently on the basis of the evidence as may be produced, in accordance with law.
7. With the aforesaid observations and directions, the Petition is disposed of.

(SARANG V. KOTWAL, J.)

(SHANTANU S. KEMKAR, J.)