

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2166 OF 2016

Mrs. Sangita Balkrishna Bagwale

.. Petitioner

VERSUS

The State of Maharashtra and Ors.

.. Respondents

....

Mr. Nitin Gangal for Petitioner.

Mr. A.P. Vaharse-AGP for State.

....

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE : 15 JUNE, 2018

P.C. :-

1. Heard learned Counsel for the petitioner and learned AGP. The petitioner obtained caste certificate from Sub-Divisional Officer, Alibaug that he belongs to Mahadeo-Koli caste, a tribe recognized as schedule tribes and on that basis petitioner contested the election a member of "Chaul Group Gram Panchayat". The petitioner got elected and thereafter, his caste certificate was sent to Respondent No. 2 - Caste Scrutiny Committee for scrutiny.

2. By the impugned order Respondent No. 2-Scrutiny Committee has confiscated the petitioner's caste certificate on the ground that the caste certificate issued by the Sub-Divisional Officer is not in proper form. The Sub-Divisional Officer has issued the caste certificate stating, the petitioner's caste as "Mahadeo-Koli" instead of "Koli-Mahadeo". The Scrutiny Committee has not decided the matter on merits but has refused to scrutinize the petitioner's caste certificate on the ground that the same is not in proper form.

3. In the light of above, we dispose of this petition by passing following order:

i) The petitioner is at liberty to apply afresh to the competent authority for issuance of the caste certificate in proper form.

ii) In the event, petitioner obtains such certificate. She is at liberty to apply for scrutiny thereof, before Respondent No. 2 and Respondent No. 2 - Committee shall thereafter consider petitioner's claim afresh, independently and on its own merits.

iii) Since the Petitioner was protected by the impugned order dated 22 February, 2016 and her term comes to an end in December 2018 and also considering the fact that her claim was not rejected on merits, we continue the protection granted the said order till the end of December, 2018.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]