

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

WRIT PETITION NO.663 OF 2017

Shaikh Shafi Fakirbhai	...Petitioner
Versus	
The State of Maharashtra & Ors.	...Respondents

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Mr. Rahul S. Kadam for the Petitioner.
Mrs. M.P. Thakur, AGP for the Respondent- State.

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

DATED: 12th JUNE, 2018.

P.C.:-

Heard the learned counsel appearing for the respective parties. The Petitioner initially obtained caste certificate from Sub Divisional Officer, Wai that he belongs to Kasai Caste, which is an OBC caste. The said caste certificate was sent for scrutiny before the Caste Scrutiny Committee No.2, Pune Division-Kolhapur.

2. During the pendency of the proceedings before the caste Scrutiny Committee No.2, Pune, Division-Kolhapur the Petitioner realised that he belongs to Mulani caste and not Kasai caste and therefore, he applied again to the Sub Divisional Officer at Wai and obtained caste certificate dated 15th April, 2016 that he belongs to Mulani Caste, which is also recognised as OBC caste. On the basis of

the said caste certificate the Petitioner made an application to the Caste Scrutiny Committee on 29th August, 2016 pointing out the above facts. By the impugned order, the Caste Scrutiny Committee rejected Petitioner's claim that he belongs to Kasai caste.

3. It is the contention of the Petitioner that initially, under the mistaken facts, he claimed that he belonged to Kasai caste. As a matter of fact, he belongs to Mulani caste and accordingly he returned the caste certificate which showed that he belonged to Kasai caste. The Petitioner does not object findings of the caste scrutiny committee that he does not belong to the Kasai caste. His grievance is that his claim that he belongs to Mulani caste is not decided by the Caste Scrutiny Committee.

4. Having gone through the impugned order it is seen that there is no discussion about the Petitioner's claim that he belongs to Mulani caste. In the above said circumstances, we dispose of the petition by passing following order:-

- (i) The Petitioner is at liberty to apply to the Divisional Caste Certificate Scrutiny and Verification Committee No.2 at Kolhapur for caste scrutiny of the certificate,

under which he claims to be of Mulani caste within a period of four weeks from today.

- (ii) In the event such application is filed by the Petitioner, the Divisional Caste Certificate Scrutiny and Verification Committee No.2 at Kolhapur shall decide the Petitioner's caste claim independently on its own merits without being influenced by the impugned order as expeditiously as possible.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)