

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

WRIT PETITION NO.2444 OF 2017

Malamma Ramanna Birajdar

...Petitioner

Versus

V.V. Mane & Ors.

...Respondents

.....

Mr. R.V. Govilkar for the Petitioner.

Mr. P.G. Sawant, AGP for the Respondent -State.

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

DATED: 7th FEBRUARY, 2018.

P.C.:-

Heard Mr. Govilkar, the learned counsel for the Petitioner and Mr. Sawant, the learned AGP for the Respondent -State. By the impugned order dated 13th December, 2016, the Petitioner's claim that he belonged to the Dhangar(OBC) caste is rejected by the Caste Scrutiny Committee.

2. Mr. Govilkar submits that though the Petitioner is migrated from Karnataka and is not entitled for the benefit in the State of Maharashtra but is entitled for the benefit from the Central Government as well as from his parent State i.e. State of Karnataka

and therefore, the Petitioner's caste certificate could not have been cancelled/ invalidated and ordered to be confiscated.

3. We find merit in the submission of Mr. Govilkar in as much as Petitioner is entitled for benefit of his caste in his parent State as well as benefit from the Central Government schemes. Even the Caste Scrutiny Committee in its order has mentioned the same.

4. In the light of this, the impugned order so far as it concerned to cancellation, invalidation and confiscation of the caste, cannot be sustained.

5. We therefore dispose of the Petition by passing following order :-

(i) The impugned order to the extent of cancellation, invalidation and confiscation of the Petitioner's caste certificate is cancelled and the same is set aside.

(ii) It is made clear that we have not disturbed the findings of the caste scrutiny committee refusing the Petitioner's claim for the benefits on the basis of the said certificate in the State of Maharashtra.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)