

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1851 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Amit Borkar, for the Petitioner.

Mr. V. S. Gokhale, 'B' Panel Counsel, for Respondent Nos.1 to 3.

Mr. Shrishailya S. Deshmukh, for Respondent No.4.

**CORAM : K. K. TATED &
B. P. COLABAWALLA, JJ.**

DATE : MARCH 7, 2018

P.C.:

Heard the learned counsel for the parties. By consent of both the parties, the matter is taken up for final hearing at the stage of admission. The counsel for the Respondents waive service.

2 By this Writ Petition under Article 226 of the Constitution of India, the Petitioner is challenging the order dated 29th December, 2014 passed by the Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane in Case No. DD/TCSC/Election/Thane-86/2012 upholding the validity of the Caste Certificate issued in favour of

Respondent No.4.

3 Mr. Borkar, the learned counsel for the Petitioner submits that this Court by order dated 15th November, 2014 in Writ Petition No. 6901 of 2014 directed the said Committee to decide the matter after hearing both sides. Clause Nos.3(d) and (e) of the order dated 15th November, 2014 read thus:-

“3(d): We direct the Petitioner and the Fourth Respondent to appear before the Second Respondent Scrutiny Committee on 1st December, 2014 at 11.00 a.m. for fixing the schedule of hearing;

3(e): We make it clear that the Caste Scrutiny Committee will not permit the Fourth Respondent to produce any further document.”

4 The learned counsel for Petitioner submits that the Committee instead of fixing the date of hearing on 1st December, 2014, decided the matter finally without giving any opportunity of hearing to the Petitioner. These facts are not denied by the Respondents.

5 As the impugned order is passed by the

Committee without following directions given by this court by order dated 15th November, 2014, same is required to set aside.

6 Hence, following order is passed:-

(a) Order dated 29th December, 2014 passed by the Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane in Case No. DD/TCSC/Election/Thane-86/2012 is hereby set aside.

(b) As a consequence, the certificate of caste validity issued to the Fourth Respondent is hereby set aside.

(c) The matter is remanded to the Committee for deciding it on its own merits.

(d) The matter to appear before the Scrutiny Committee on 9th April, 2018 at 11.00 a.m. for fixing the date of hearing.

(e) The Scrutiny Committee to adjudicate the caste claim of 4th Respondent as expeditiously as possible and pass the final order preferably within two months from 1st April, 2018, after hearing both the side.

(f) The Caste Scrutiny Committee will not permit 4th Respondent to produce any further documents.

(g) The Petition stands disposed of accordingly.

Parties to act on an authenticated copy of this order.

(B. P. COLABAWALLA,J.)

(K.K.TATED,J.)