

BDPSPS

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

WRIT PETITION NO.1980 OF 2015

Sham Bhanudas Phiske	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

Mr. M. B. Deshmukh, Advocate for the Petitioner.

Mr. S. B. Kalel, AGP for Respondent Nos.1 and 2.

Mr. Prashant Kamble i/by Mr. A. S. Rao, Advocate for Respondent No.3.

**CORAM: B. R. GAVAI &
SMT. BHARATI H. DANGRE, JJ.**

DATE: 11th APRIL, 2018

P.C.:-

1] Petitioner has approached this Court, challenging the order passed by the Caste Scrutiny Committee on 31/12/2013, thereby rejecting the claim of the Petitioner, as belonging to Caste “Khatik” (Scheduled Caste). The claim is rejected on the ground that, the Petitioner has failed to produce any documentary evidence to establish that he belongs to the Caste “Khatik”. The Committee referred to various documents on which the Petitioner has placed

reliance, which include a document of the year 1955 in favour of his cousin uncle Raghunath Devidas Phiske as well a document of the year 1959 of Shri Deepak Mohan Phiske, uncle of the Petitioner. Both the said documents reflect the Caste of the holder to be “Khatik”. The Committee, on consideration of the said documents, in the impugned order, vide paras 3 and 4, refused to look into the said certificates/documents on the ground that the Petitioner has failed to demonstrate his relationship with the aforesaid persons and though the genealogy was produced on record, no proof was tendered by the Petitioner to demonstrate that, Usha Rambhau Phiske, Ashok Rambhau Phiske and Raghunath Devidas Phiske are related to the Petitioner.

2] Learned Counsel appearing on behalf of the Petitioner makes a categorical statement that, he has also submitted his affidavit to the Committee on 03/10/2013 wherein he had categorically made a statement that two of his relatives viz. Dilip Devidas Phiske, his cousin uncle and Akshay Dilip Phiske, his cousin brother have been granted validity, as belonging to Khatik Caste. He submits that such document was tendered to the Committee but it is not considered.

3] Perusal of the impugned order would reveal that, validity certificate granted in favour of Dilip Devidas Phiske and Akshay Dilip Phiske has not been even taken into consideration by the Committee. In such circumstances, interest of justice would be served if the matter is remanded to the Committee to consider the validity granted in favour of the relatives of the Petitioner and the Committee would also permit the Petitioner to establish his relationship with Dilip Devidas Phiske and Akshay Dilip Phiske who are claimed to be blood relatives of the Petitioner and on such fact being demonstrated, the Committee would consider the said validity certificate issued in their favour and decide the claim of the Petitioner afresh by taking into consideration the said validity certificates. The said decision, is directed to be taken by the Committee within a period of two months from today. With these directions, Petition is disposed of.

(SMT. BHARATI H. DANGRE, J.)

(B. R. GAVAI, J.)