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

**WRIT PETITION NO.2559 OF 2014
WITH
CIVIL APPLICATION NO.2873 OF 2014**

Shri Gajanan Babar ... Petitioner
Vs.
The State of Maharashtra and Ors. ... Respondents

WP/2559/2014 a/w CAW/2873/2014

Mr. Rompal Singh Kohli for the Petitioner/Applicant.

Mrs. R.A. Salunkhe, AGP for the Respondent Nos.1, 2 and 5.

Mr. C.K. Bhangoji i/by Mr. R.K. Mendadkar for the Respondent No.3.

Mr. Nitesh Mohite i/by Mr. Deepak R. More for the Respondent No.4.

**WITH
WRIT PETITION NO.1336 OF 2013**

Shri Bhima Sakharan Bobde ... Petitioner
Vs.
The State of Maharashtra and Ors. ... Respondents

WP/1336/2013

Mr. B.G. Ligade i/by Mr. Drupad S. Patil for the Petitioner.

Mrs. R.A. Salunkhe, AGP for the Respondent Nos.1 to 3.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 28th FEBRUARY, 2018

PC.

1 By the order dated 12th March, 2014 a notice for final disposal has been issued in Writ Petition No.2559 of 2014. Accordingly,

we have taken up the Petition for final hearing. In both the Petitions, the challenge is to the same caste validity certificate and the same order on the basis of which the impugned caste validity certificate was issued. Therefore, we are referring only to the facts of Writ Petition No.2559 of 2014. The impugned order dated 8th November, 2012 was passed by the Divisional Caste Scrutiny Committee No.3, Pune by which the Committee upheld the caste claim of the third respondent based on the caste certificate dated 13th July, 2001 issued by the Deputy Collector to the third respondent. The said caste certificate records that the petitioner belongs to “Bant” which is recognised as Scheduled Caste. The Caste Scrutiny Committee by the impugned order has validated the said caste certificate.

2 With the assistance of the learned counsel appearing for the parties, we have perused the impugned order dated 8th November, 2012. On the second page of the impugned order, there is a list of 11 documents produced by the third respondent including the caste certificate. On the third page, the objections raised by the present petitioners have been reproduced. Paragraphs 1 to 3 record only the facts, based on what is mentioned in the Vigilance Cell report and the documents. Paragraph 4 reproduces the arguments of the third respondent. The only finding recorded by the Caste Scrutiny Committee

is in paragraph 5 which runs only into three lines. All that paragraph 5 records is that after considering the complaint of the petitioner, Vigilance Cell Report, written arguments filed by the third respondent and oral arguments as well as documents, the Committee has come to the conclusion that the caste certificate issued to the third respondent is validated.

3 Perusal of the order shows that there are absolutely no reasons recorded for coming to the conclusion that the third respondent has established his caste claim. There is no discussion about the contents of the documents and contents of the Vigilance Cell Report. Therefore, there are no findings. The Caste Scrutiny Committee has failed to hold proper enquiry in accordance with law and therefore, the impugned order of the Caste Scrutiny Committee cannot be sustained and the case will have to be remanded to the Caste Scrutiny Committee for fresh adjudication. Accordingly, both the Petitions are disposed of by passing the following order :-

ORDER

- (i) The caste validity certificate dated 27th June, 2011 as well as the order dated 8th November, 2012 are hereby set aside inasmuch as the said caste validity certificate was admittedly issued without holding proper enquiry;

- (ii) The matter of verification of the caste claim of the third respondent is remanded to the Divisional Caste Scrutiny Committee No.3 at Pune for fresh adjudication;
- (iii) We direct the petitioners in both the Petitions and the third respondent in Writ Petition No.2559 of 2014 to appear before said Caste Scrutiny Committee on 27th March, 2018 at 11.00 am for fixing the schedule of hearing;
- (iv) The Caste Scrutiny Committee shall make an endeavour to dispose of the caste claim as expeditiously as possible and within a period of four months from the date fixed for appearance;
- (v) All contentions of parties on merits of the caste claim are expressly kept open to be decided by the Caste Scrutiny Committee;
- (vi) Rule is made absolute on above terms;
- (vii) All concerned parties to act upon an authenticated copy of this order;
- (viii) Pending application does not survive and the same stands disposed of.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)