

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.718 OF 2018

Mr. Nilesh Namdev Vankhade
V/S

....Petitioner

State of Maharashtra & Ors.

....Respondents

Mr. Chintamani K. Bhangoji a/w Mr. V.A. Madane I/b Mr. Balwant V.
Salunkhe for the Petitioner.

Mrs. M.S. Srivastava, AGP for Respondent Nos.1 to 3/State.

**CORAM : A.A. SAYED &
S.C. GUPTA, JJ.**

DATE : 12 SEPTEMBER 2018.

ORDER:

1 The challenge in this Writ Petition is to the order dated 8 February 2017 passed by Respondent No.2-Divisional Caste Certificate Scrutiny Committee, invalidating the caste certificate of the Petitioner who claims to belong to 'Chambhar' community notified as Scheduled Caste in the State of Maharashtra. Perusal of the impugned order shows that the Petitioner had submitted the caste validity certificate of his real sister before the Respondent No.2 Committee. However Respondent No.2-Committee has not considered and dealt with the same in the entire impugned order. If Respondent No.2-Committee was not disposed to validate the caste certificate of the Petitioner, it was necessary for it to have indicated the reasons, however brief, as to why despite the caste validity certificate

granted to the Petitioner's real sister, issued by the Respondent No.2 Committee, the Petitioner can be denied the caste validity certificate.

2 In the circumstances, the impugned order cannot be sustained and required to be set aside. Hence, the following order:

ORDER

- A) The impugned order dated 8 February 2017 of the Respondent No.2-Committee is set aside.
- B) The matter is remitted back to the Respondent No.2-Committee to decide the matter afresh.
- C) The Respondent No.2-Committee to take a decision in light of the observations in this order, within four months from today.
- D) We clarify that we have expressed no opinion on the merits of the matter.

3 The Petition is disposed of in the above terms.

(S.C. GUPTE, J.)

(A.A. SAYED, J.)

katkam

Sudarshan
Rajalingam
Katkam

Digitally signed by
Sudarshan
Rajalingam Katkam
Date: 2018.09.21
16:11:39 +0530