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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.10228 OF 2016

Sangita Kishor Kalaskar ... Petitioner
Vs.
Caste Scrutiny Committee No.3, Pune and Ors. ... Respondents

Mr. Prabhanjan Gujar for the Petitioner.
Mrs. R.A. Salunkhe, AGP for the Respondent Nos.1 and 2.
Mr. Rahul P. Walvekar i/b. Mr. Sangramsinh Yadav for the Respondent No.3.
Mr. Nitesh J. Mohite i/b. Mr. Deepak R. More for the Respondent No.4.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 6th AUGUST 2018.

P.C. :

1 Heard the learned counsel appearing for the parties. Considering the narrow controversy involved, the petition is forthwith taken up for final disposal. Rule. The learned AGP waives service for the first and second respondents. The learned counsel representing the third and fourth respondents also waive service.

2 The petitioner contested general ward election of the Respondent No.4 – Municipal Corporation. The Respondent No.3 also contested the election from ward No.40-A which was reserved for “Other Backward Class - Women”. The challenge in this petition under Article 226 of the Constitution of India is to the Caste Validity Certificate granted to the third respondent on 25th January 2012. The said caste validity certificate has been granted to her on the basis of the order on page 25 which runs only into 5 lines. The said order shows that though there are

documents placed on record along with the report of the Vigilance Cell, the contents of the documents have not been taken into consideration by the first respondent – Caste Scrutiny Committee. The order on page 32 shows non-application of mind. It was the duty of the first respondent to consider various documents on record and to pass a reasoned order. But no reasons have been recorded.

3 Only on the aforesaid ground, the caste validity certificate issued to the third respondent deserves to be quashed and set aside and accordingly, we pass the following order :-

ORDER

- (i) The impugned caste validity certificate dated 25th January 2012 and order passed by the Caste Scrutiny Committee on page 25 are hereby quashed and set aside and the matter of verification of the caste claim of the third respondent based on caste certificate dated 28th December 1999 is remitted to the first respondent;
- (ii) We direct the third respondent to appear before the first respondent on 21st August 2018 at 11.00 am for fixing the schedule of hearing. Fresh adjudication shall be made by the first respondent and appropriate order shall be passed within a period of three months from the date fixed for appearance of the third respondent. All contentions on merits of the caste claim of the third respondent are kept open;
- (iii) Rule is made partly absolute on above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)