

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.10072 OF 2016**

Shaikh Noor Ahmed Mohiddin ...Petitioner  
vs.  
State of Maharashtra and Others ...Respondents

Mr. R.K. Mendadkar, for the Petitioner.  
Mr. C.M. Lokesh i/b. Mr. G.S. Hegade, for Respondent No. 3.  
Mr. C.P. Yadav, AGP for the Respondents-State.

**CORAM : SHANTANU KEMKAR &  
MAKARAND KARNIK, JJ.**

**DATE : MARCH 07, 2018**

**P.C.:**

1. By filing this Petition under Article 226 of the Constitution of India, the Petitioner has challenged the order dated 20<sup>th</sup> August, 2016 (Exhibit "A") passed by the Divisional Caste Certificate Scrutiny Committee No. 1, Solapur (in short "the Committee") whereby rejecting the Petitioner's caste validity claim relating to caste "Julah".

2. According to the Petitioner, during the pendency of the matter before the Committee the Vigilance Cell report was called for and the said report dated 19<sup>th</sup> March, 2016 (Exhibit "D") was in favour of the Petitioner. However, the notice under Rule 17(11)(one) was issued on 3<sup>rd</sup> May, 2016 (Exhibit "E") to the Petitioner by the

said Committee. In reply to the said show cause notice, the Petitioner submitted detailed grounds as to why his caste validity claim deserves to be accepted. It is the case of the Petitioner that without considering his reply (Exhibit "F") dated 27<sup>th</sup> May, 2016 to the said show cause notice, the Committee vide impugned order rejected the Petitioner's claim.

3. We have heard the learned counsel for the parties at length and also perused the record produced before us by the learned A.G.P.

4. Having considered the submissions made by the learned counsel for the parties, we find that the Petitioner had submitted a detailed reply (Exhibit "F") to the show cause notice issued to him and without taking note of the said reply and without application of mind to the said reply to show cause notice, the impugned order has been passed. The said order appears to be a non-speaking order passed without taking into consideration various grounds raised by the Petitioner to support his claim and to accept the Vigilance Committee report.

5. In the circumstances, we have no option but to set aside the impugned order and remand the matter back to the Committee for deciding the claim of the Petitioner afresh in accordance with

law.

6. The Petitioner to appear before the Committee on 26<sup>th</sup> March, 2018 at 11.00 am.

7. The Committee shall decide the Petitioner's caste claim by a reasoned order within three months from the date of appearance of the Petitioner before the Committee.

8. Needless to say that the consequences of setting aside the impugned order and the further action taken by Respondent Nos. 3 and 4 also stands set aside. As a result, the termination order dated 30<sup>th</sup> August, 2016 passed by the Respondent No. 3 is also set aside.

9. The Petition is disposed of as such.

**(MAKARAND KARNIK, J.)**

**(SHANTANU KEMKAR, J.)**