

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

WRIT PETITION NO.961 OF 2015

Kumar Dattatray Patil

.... Petitioner

versus

The Divisional Schedule Castes Scrutiny and
Verification Committee No.1 & Ors.

... Respondents

.....

- Mr.Dushyant S. Pagare, Advocate for the Petitioner.
- Mr.A.I. Patel, Addl. G.P., Advocate for State/Respondent.

**CORAM : SHANTANU KEMKAR &
SARANG V. KOTWAL, JJ.**
DATE : 29th AUGUST, 2018.

P.C. :

Parties through their counsel.

2. Challenging the order dated 22/08/2014 (Ex.E), passed by the Respondent No.1 - The Divisional Schedule Castes Scrutiny and Verification Committee No.1, Solapur, whereby the Petitioner's Caste validity claim, has been rejected, the Petitioner has filed this Petition under Article 226 of the Constitution of India.

3. According to the Petitioner, he had submitted as many as 11 documents before the Divisional Schedule Castes Scrutiny and Verification Committee. However his caste certificate validity claim has been rejected by the Committee.
4. By filing an Additional Affidavit on 17/07/2017 and 18/09/2017, the Petitioner has placed on record the caste validity certificate granted to his cousin brother from paternal side viz. Mallikarjun Pandurang Patil as also the vigilance report in respect of said Mallikarjun to contend that since his blood relative from paternal side has been granted Caste Validity Certificate, his claim deserves to be allowed in view of the law laid down by the Division Bench of this Court in the case of *Apoorva Vinay Nichale v/s Divisional Caste Certificate Scrutiny Committee No.1 and others, reported in 2010(6) Mh.L.J. 401* which was based upon the Supreme Court judgment passed in the case of *Raju Ramsing Vasave v/s Mahesh Deorao Bhivapurkar and others, reported in (2008) 9 SCC 54*. So also the in the case of “*Anand vs. Committee for*

Scrutiny and Verification of Tribe Claims and Others, (2012)

1 Supreme Court Cases, 113”.

5. Having considered the submissions made by the learned Counsel for the Petitioner, as also the learned AGP, we find that in view of the subsequent development of issuance of Caste Validity Certificate to the Petitioner's cousin brother from paternal side, the matter requires to be remitted to The Divisional Schedule Castes Scrutiny and Verification Committee No.1, Solapur, for deciding it afresh keeping in view the aforesaid Caste Validity Certificate as also the law laid by the Division Bench of this Court in the case of Apoorva Nichale (supra) which was based upon the Hon'ble Supreme Court's Judgment passed in the case of Raju Vasave (supra).

6. In such circumstances, we dispose of the Petition by quashing the impugned order and remanding the matter to The Divisional Schedule Castes Scrutiny and Verification Committee No.1, Solapur, to decide the petitioners claim as above within a

period of four months from the date of appearance of the Petitioner before the said Committee.

7. The Petitioner to appear before the Committee on 10/09/2018 at 11.00 a.m.

8. All other contentions of the parties are kept open.

(SARANG V. KOTWAL, J.)

(SHANTANU KEMKAR, J.)