

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 90 OF 2019**

Mr. Inacio Dominic Pereira,
s/o. Antony Pereira,
major of age, Indian National
r/o House No. 836,
St. Agostinho Marod,
Lane 2, St. Cruz,
Tiswadi – Goa.

... Petitioner

Versus

1. Lawrence Marcelino Rodrigues,
s/o late Bossuet C. Rodrigues,
major of age, Indian national,
House No. 983, Raulo Bandh,
St. Agostinho, Santa Cruz,
Tiswadi, Goa.
2. The Deputy Collector and
Sub-Divisional Magistrate,
Tiswadi Taluka,
Collectorate Building,
Panaji, Goa.
3. The Scrutiny Committee for
Verification of Caste Certificate,
through its Chairman,
with its office at Secretariat,
Porvorim, Goa.
4. The Association of Christian
Backward Classes,
Through Andrew D'Cunha,
Boa Vista, Near Sea Shore,
Near Goa Shipyard,
Vasco, Goa.

5. The Village Panchayat of St. Cruz,
Through its Secretary,
St. Cruz, Panaji, Goa.
6. Mamlatdar, Tiswadi Taluka,
Collectorate Building,
Government of Goa,
Panaji, Goa.
7. Talathi of Calapur (St. Cruz),
Panchayat House,
St. Cruz, Tiswadi, Goa.
8. Mr. Arturo D'Souza,
s/o D'Souza, major of age,
Indian national,
r/o. St. Cruz, Tiswadi, Goa.
9. Mr. Kashinath J. Shetye,
s/o late Mr. Jayram Shetye,
major of age, Indian National,
r/o 201, Raj Excellency,
Ribandar, Ilhas, Goa.

... Respondents

Mr. Ryan Da Piedade Menezes alongwith Mr. Nigel J. Fernandes,
Advocate for the Petitioner.

Mr. Nitin Sardesai, Senior Advocate with Mr. Gaurang D. Panandiker,
Advocate for the Respondent No. 1.

Mr. Pravin N. Faldesai, Additional Government Advocate for the
Respondents No. 2, 3 and 6.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date:- 16th October, 2019

Oral Judgment: (Per M. S. Sonak, J.)

Heard learned Counsel for the parties.

2. The challenge in this Petition is to the Order dated 07.12.2015 made by the Goa State Election Commission rejecting the Petitioner's application seeking disqualification of Respondent No. 1.

2. The aforesaid rejection was based, *inter alia*, on the Judgment and Order dated 10.09.2018 passed by the Caste Scrutiny Committee, validating the Caste Certificate issued to the Respondent No. 1.

3. In connected Writ Petitions No. 1003 of 2018 and No. 1102 of 2018, we have set aside the Judgment and Order dated 10.09.2018 and remanded the matter to the Caste Scrutiny Committee for fresh adjudication.

4. In case the Caste Scrutiny Committee fails to validate the Caste Certificate issued to the Respondent No. 1 then, the Goa State Election Commission will be obliged to reconsider the Petitioner's application seeking disqualification of Respondent No. 1.

5. Therefore, though, for the present, we do not propose to quash and set aside the Order dated 07.12.2015 made by the Goa State

Election Commission, we make it clear that depending upon the outcome of the adjudication before the Caste Scrutiny Committee, the Goa State Election Commission will have to reconsider the issue of disqualification, without being influenced by the Order dated 07.12.2015. Liberty is granted to the parties to apply for revival of proceedings before the Goa State Election Commission, in case the Caste Scrutiny Committee does not validate the Caste Certificate issued to the Respondent No. 1.

6. The Petition is disposed of with the aforesaid directions/observations.

7. All concerned to act on the basis of authenticated copy of this Order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

msr.