

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11236 OF 2016

Dattatraya Nana Jadhav .. Petitioner

Versus

Shri Yunnus Abdul Landage and Ors. .. Respondents

Mr. Kuldeep Nikam for the petitioner.

Mr. Sandesh Patil a/w Mr. Cintan Shah i/by Anusha P. Amin for respondent no. 1.

Mrs. P.J. Gavhane, AGP for respondent nos. 2 to 4 State.

**CORAM : B.P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.**

DATE : OCTOBER 11, 2019

P.C.:

Effort of the petitioner is to demonstrate that the validity given to respondent no. 1 as Muslim Kasai OBC is unsustainable. Some documents particularly school leaving certificate of respondent no. 1 and his father is being pressed into service for this purpose.

2. Learned AGP for respondent nos. 2, 3 and 4 submits that no such challenge was raised before respondent nos. 2 Committee and in any case disputed question arises.

3. Learned counsel appearing for respondent no.1 is

opposing the petition. He points out that in the school leaving certificate only religion has been recorded and there is not a single document in which some other caste has been mentioned.

4. Section 7 of Maharashtra Scheduled Caste, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Class and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001) gives a person like petitioner a remedy to make the grievance to respondent no. 2 Committee. The Committee can examine all disputed questions and if necessary can also obtain assistance of vigilance cell. In this situation, as the petitioner wants to demonstrate that respondent no. 1 belongs to some other caste and does not belong to kasai caste, we are inclined to give him opportunity to approach respondent no. 2 Committee. If such representation with documents in support is preferred within two months from today by the petitioner, respondent no. 2 Committee shall proceed to examine the same in accordance with law and give petitioner also opportunity in the matter. Final decision on the representation shall be taken within next six months.

5. With these directions and keeping all contentions open, we dispose of the writ petition.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)