

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11729 OF 2015

Sayarabanu Khatahsaheb HawaldarPetitioner

Versus

Divisional Caste Certificate Scrutiny
Committee no.2 and ors. ...Respondents

Mr. Surel S. Shah, for the Petitioner.

Mr. P. G. Sawant, AGP for Respondent nos.1 to 3.

CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ

DATED: 21st January, 2019

PC:-

1. Rule.
2. Rule made returnable forthwith. Heard by consent.
3. The Petitioner has filed the present petition being aggrieved by the order passed by the Scrutiny Committee dated 28th August, 2015, by which the claim of the Petitioner that he belongs to the caste Julaha came to be rejected.
4. The only contention of the Petitioner is that the caste scrutiny committee has sent the proposal to the vigilance committee for an enquiry of the caste of the Petitioner and the same has not been properly considered. It is also the contention of the Petitioner that various documents, which subsequently came in her possession, could not be produced before the scrutiny committee and, therefore, the claim of the

Petitioner was rejected.

5. Taking into consideration the fact that the Petitioner is in possession of various documents, we find it appropriate that the matter be remitted back to the scrutiny committee.

6. The impugned order is, therefore, quashed and set aside. The matter is remitted back to the scrutiny committee for considering afresh by permitting the Petitioner to produce additional documents on record.

7. Since in view of the interim order passed by this Court, the Petitioner is still in employment, it is directed that no coercive action be taken against the Petitioner on the ground of rejection of caste claim till Respondent – Scrutiny Committee decides the petition. In the event, order passed by the scrutiny committee is adverse to the interest of the petitioner, the interim protection granted earlier shall continue for a further period of three weeks from the date of receipt of the communication. The Petitioner shall appear before the Scrutiny Committee on 4th February, 2019. As such, service of notice shall stand waived.

8. The parties concerned shall act on an authenticated copy of this order.

[N. J. JAMADAR, J.]

[B. R. GAVAI, J.]