

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1925 OF 2008

M/s. Dattani Constructions & Anr. Petitioners
versus
State of Maharashtra & Ors. Respondents

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- Mr.Bhavin Gada a/w Vasim Shaikh and Mujtaba Rizvi i/b. Pravin Mehta & Mithi & Co., Advocate for Petitioners.
- Mr.A.L. Patki, AGP a/w Mr.S.B. Gore, AGP for Respondent Nos.1 and 2.
- Mr.Aseem Naphade i/b. V.K. Damle a/w K.S. Dubey, Advocate for Respondent Nos.3, 4A to 4E, 5 and 6.

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.**
DATE : 17th DECEMBER, 2019.

P.C. :

1. Pursuant to the praecipe filed by the learned Counsel for Respondent Nos.3 to 6, the matter is taken on production board.
2. Heard learned Counsel for the parties.
3. Learned Counsel for Respondent Nos.3 to 6 submits that they may be permitted to file additional affidavit dated 15/10/2019. Same is permitted. Same is taken on record.

4. Learned Counsel Mr.Aseem Naphade appearing on behalf of Respondent Nos.3 to 6 submits that Respondent No.3 Jagdish Kashiram Wange, Respondent No.4-A Prakash Parashuram Wange, Respondent No.4-C Mahesh Parashuram Wange and Respondent No.5 Ramkishan Baburao Wange are present in the Court. These Respondents entered into witness box. They admitted the contents of affidavit and effect of the same.

5. Learned Counsel Mr.Bhavin Gada appearing on behalf of Petitioners submits that in view of the additional affidavit filed by Respondent Nos.3 to 6, particularly in paragraph Nos.3, 4 and 5 in the said affidavit, the Petition can be allowed in terms of prayer clause (b) and (c).

6. Paragraph Nos.3, 4 and 5 read thus;

“3. *We say that our Caste Certificate is validated by the said scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane on the basis of the Affinity Test. All the documents*

submitted by us were rejected. Apart from the said documents there are no documents with us in support of our claim.

4. *We further say that in the light of various judgments passed by this Hon'ble High Court as well as our Hon'ble Supreme Court, no useful purpose would be served by contesting the above Petition.*

5. *We say that looking to the overall facts and circumstances of the case we have no objection in setting aside the order passed by the Scrutiny Committee, Konkan Division, Thane by making the rule absolute in terms of prayer (b) and (c) of the above Petition."*

7. Considering the submissions made by learned Counsel for the Petitioner and the additional affidavit dated 15/10/2019 filed by Respondent Nos.3 to 6, we are satisfied that the Petition can be allowed in terms of prayer clause (b) and (c), which read thus;

- (A) “(b) *That this Hon’ble Court be pleased to issue Writ of Certiorari and or any other writ, Order or direction in the nature of Certiorari thereby quashing and setting aside the order dated 15th July, 2008 passed by the said Committee bearing No.(1) DD/TCSC/Law Matter/remand/M-212/07/JKV. (2) DD / TCSC / MIS / Mumbai 180 / 07 / PBV. (3) DD/TCSS/Complaint/Mumbai – 3/07/RBV and (4) DD/TCSC/Election/Mumbai-03/06/BBV, Validating the Caste Certificate of Respondent Nos.3 to 6 herein.*
- (c) *That this Hon’ble Court be pleased to hold and declare that the validity Caste Certificates issued to the Respondent Nos.3 to 6 are inoperative and non est.”*
- (B) No order as to costs.
- (C) Writ Petition is disposed of accordingly.
- (D) Rule is made absolute accordingly.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)