

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 7017 OF 2017

Devsing Daulatsing Hade

vs.

Chairman, District Caste Certificate Scrutiny Committee, Buldhana and others

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

Shri A.P.Kalmegh, Advocate for the petitioner.
Mrs. Mayuri H. Deshmukh, AGP for respondent no.1.

**CORAM : R.K. DESHPANDE &
MILIND N. JADHAV, JJ.
DATED : 05th NOVEMBER, 2019**

The petition challenges the order dated 23.10.2017 passed by the District Caste Certificate Scrutiny Committee, Buldhana, rejecting the claim of the petitioner for "Rajput Bhamta" (Vimukta Jati-A). The petitioner was in the employment as Health Assistant in the services of Zilla Parishad. When the petition was filed, the petitioner was 57 years of age. However, we are informed that pending this petition, the petitioner has expired on 2.10.2018.

The learned counsel for the petitioner seeks an adjournment on the ground that the legal representatives of the petitioner would be interested in

bringing their names on record to pursue the present matter. We, however, find that the petition stands abated and if the legal representatives of the petitioner wanted to claim the benefits available to “Rajput Bhamta” (Vimukta Jati-A) then, they will have to get validity certificates in their names from the Scrutiny Committee, irrespective of the fact whether the claim of their father is accepted or rejected. We cannot, therefore, permit them to proceed further to prosecute this matter, as according to us, the right to sue does not survive.

We, however, make it clear that neither the order impugned nor any of the observations made therein shall come in the way of the legal representatives of the petitioner, while getting their caste claims verified and scrutinized through this Scrutiny Committee for issuance of caste validity certificate. If such claim is made, it will have to be adjudged on its own merits in accordance with law, without being influenced by any of the observations made in the impugned order.

Writ Petition is dismissed, as abated.

JUDGE

JUDGE

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