

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2640 OF 2019

Vandana Sanjay Shinde ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

Mr.M.A. Patil a/w. Mr. Ashish Pawar i/b. Mr. C.G.Patil for the Petitioner.

Ms.M.P.Thakur, AGP for the State.

Mr.A.S.Patil for Respondent No. 4.

CORAM : S.J. KATHAWALLA, &
VINAY JOSHI, JJ.

DATE : 1ST MARCH, 2021

P.C. :

1. By the above Writ Petition, the Petitioner impugned the caste validity certificate issued by Respondent No. 2 Committee to Respondent No. 4.

2. In response to the allegations / submissions made by the Petitioner in the above Writ Petition, Respondent No. 2 Committee has filed its Affidavit in Reply dated 15th February, 2021. Paragraphs 5 and 6 of which are reproduced hereunder :

"5. I say that, while considering caste validity certificate of real brother, Respondent No. 2 has not followed the procedure laid down in amendment of 28th November, 2017, which is annexed to the present petition.

6. I say that, it appears that the then Caste Scrutiny Committee

has not followed the amended procedure which has come into force on 28th November, 2017. I say that the Respondent tenders unconditional apology for not following the procedure as is amended which has come into force on 28th November, 2017. This Respondent tenders unconditional apology for the same. This Respondent is ready and willing to follow the procedure which has come into force on 28th November, 2017, while now granting the Caste Validity Certificate to Respondent No. 4 i.e. Vaishali."

3. The learned Advocate appearing for Respondent No. 4 also states that since Respondent No. 2 Committee is of the view that the prescribed procedure is not followed, the matter may be remanded back to Respondent No. 2 Committee.

4. In view of the above, the following order is passed :

i. The caste validity certificate issued by Respondent No. 2 Committee to Respondent No. 4 is quashed and set aside.

ii. Respondent No. 2 Committee shall after following the required procedure in terms of Notification dated 24th November, 2017 and after giving hearing to the parties, pass fresh orders in the matter within a period of eight weeks from today.

iii. The above Writ Petition is accordingly disposed off.

(VINAY JOSHI, J.)

(S.J. KATHAWALLA, J.)