

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3781 OF 2015

Shaibaz Mohammed Mulla ... Petitioner
Vs.
State of Maharashtra and others ... Respondents

Mr. C. K. Bhangoji a/w. Mr. J. A. Madane for Petitioner.
Mr. Vikas M. Mali, AGP for Respondent Nos.1 and 2-State.

**CORAM : R. D. DHANUKA &
R. N. LADDHA, JJ.**

DATE : DECEMBER 06, 2021

P.C. :-

Mr. Bhangoji, learned counsel for the petitioner seeks liberty to delete respondent Nos.3 and 4 from the cause title of the petition. Leave to amend is granted. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. Rule. Mr. Mali, learned AGP waives service for respondent Nos.1 and 2. By consent of parties, petition is heard finally.

3. By this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for writ of *certiorari* for quashing and setting aside the impugned judgment and order dated 4th April 2013 passed by respondent No.2 Committee.

4. A perusal of the impugned order indicates that though the petitioner was granted sufficient opportunities to remain present at the stage of hearing on the caste claim before the Scrutiny Committee, he remained absent. The order was passed by the Committee after considering the report of the Vigilance Cell. Since the petitioner did not remain present, the order came to be passed without hearing the petitioner.

5. Mr. Bhangoji, learned counsel for the petitioner undertakes that his client would appear before respondent No.2 Committee and would not ask for any unnecessary adjournment. Statement is accepted.

6. In view of the statement made by learned counsel for the petitioner and since the order came to be passed by the Scrutiny Committee without granting any personal hearing to the petitioner, we pass the following order:-

- i) The impugned order dated 4th April 2013 passed by respondent No.2 Committee is quashed and set aside;
- ii) The caste claim of the petitioner is restored to the file of respondent No.2 Committee for deciding it afresh in accordance with law;
- iii) Petitioner shall appear before respondent No.2 Committee on 15th December, 2021 at 11:00 a.m.;
- iv) Respondent No.2 Committee shall decide the matter afresh after giving personal hearing to the petitioner and after considering the material on record expeditiously;
- v) Respondent No.2 Committee shall make an endeavor to dispose of the caste claim of the petitioner on or before 31st January, 2022;
- vi) If the date assigned by this Court is not convenient to respondent No.2 Committee, the Committee shall give an early date to the petitioner.
- vii) If the petitioner remains absent, respondent No.2 Committee will be at liberty to proceed *ex-parte*;
- viii) The order that would be passed by respondent No.2 Committee shall be conveyed to the petitioner within one week from the date of passing of such order; and
- ix) If the order is adverse to the petitioner, the petitioner would be at liberty to file appropriate proceedings. If the order is in

favour of the petitioner, respondent No.2 Committee shall issue caste validity certificate in favour of the petitioner in furtherance of the order that would be passed within one week from date of passing of the order.

7. Writ Petition is allowed in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

8. Parties to act on the authenticated copy of this order.

(R. N. LADDHA, J.)

(R. D. DHANUKA, J.)

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