

**Trupti
Bhamne**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION NO. 7409 OF 2018

Mr. Mahesh Ramprasad Chaware

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

.....

Mr.Sanjiv Punalekar a/w Mr. Sachin Kanse i/b. PRS Legal for the
Petitioner.

Mr. A.A.Alaspurkar, AGP for Respondent Nos.1 to 3.

.....

**CORAM : R.D. DHANUKA &
V.G.BISHT, JJ.**

DATE : 3rd March, 2021

P.C.:

1. By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the decision dated 17th March, 2018 passed by respondent No.2 Committee invalidating the Caste Certificate and further seeks an order and direction against Committee to consider the petitioner's application for validation / scrutiny of Caste Certificate on merits.

2. On 24th August, 2015, the Caste Scrutiny Committee had invalidated the Caste Certificate of the petitioner. The petitioner had filed a Writ Petition bearing No. 11639 of 2017 impugning the said order. On 28th November 2017, this Court granted liberty to the petitioner to withdraw the said Petition and disposed of the said Petition as withdrawn.

3. It is the case of the petitioner that on 13th March, 2018 a fresh Caste Certificate has been issued in favour of the petitioner after considering the School Leaving Certificate of his grandparent showing the caste of the petitioner as Walmiki (SC). It is the case of the petitioner that the said Caste Certificate was obtained subsequently.

4. The petitioner thus applied for validation of the Caste Certificate again on the basis of the said Caste Certificate issued on 13th March, 2018. The Scrutiny Committee, however, rejected the said application on the ground that it has no powers to take up a fresh scrutiny in the absence of any order passed by this Court.

5. In view of the facts stated aforesaid, we are inclined to set aside the order dated 17th March, 2018 and to remand the matter back to respondent No.2 Committee for deciding the said application afresh, after considering the said Caste Certificate dated 13th March, 2018 and the other documents that are already produced by the petitioner, within a period of 12 weeks from the date of communication of this order.

6. It is made clear that the Committee shall decide the matter afresh without being influenced by the orders dated 24th August, 2015 and 17th March, 2018 and in accordance with law after hearing the petitioner. It is further made clear that this Court has not expressed any views on the merits of the said fresh Caste Certificate dated 13th March, 2018 obtained by petitioner. All the contentions of the parties on validity of the said Caste Certificate dated 13th March, 2018 are kept open.

7. In view of above, the order dated 17th March, 2018 is set aside. The proceedings are restored to the file of Caste Scrutiny Committee

for disposal afresh in accordance with aforesaid directions. No order as to costs.

8. The petitioner is directed to appear before respondent No.2 on 8th March, 2021 at 11.00 a.m. Further dates and time may be decided by Committee on 8th March, 2021.

9. Parties to act on the copy of this order authenticated by Sheristedar of this Court.

10. The learned AGP agrees to convey this order to respondent No.2 Committee for compliance.

(V.G.BISHT, J.)

(R.D.DHANUKA, J.)