

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

WRIT PETITION NO.2439 OF 2021

Pranav Dilip Wagh Minor,
through father and natural guardian
Dilip Murlidhar Wagh .. Petitioner
Versus
The State of Maharashtra & Anr. .. Respondents

Mr.R.K. Mendadkar for the petitioner.
Mrs.P.J. Gavhane, AGP for the respondents-State.

**CORAM : R.D. DHANUKA
R. I. CHAGLA, JJ.**
DATE : 30th JULY 2021
(through video conferencing)

P.C.:-

. Rule. Learned AGP waives service for the respondents.
Heard finally by consent of parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner is seeking a writ of certiorari for quashing and setting aside the impugned order dated 31st May 2021 passed by the respondent no.2 Scrutiny Committee and to remand back the matter to the respondent no.2 Scrutiny committee for consideration de-novo.

3. Learned counsel for the petitioner states that the respondent no.2 Scrutiny Committee has not granted hearing to the petitioner and without considering the matter on merit, has refused to validate the caste certificate of the petitioner. He submits that the liberty be granted to the

petitioner for hearing wherein the petitioner would present legal submissions as well as would place reliance on the judgment of full Bench of this Court in the case of ***Rajendra Shivram Thakur Vs. State of Maharashtra & Ors., 2019 (4) Mh.L.J. page 721.*** He submits that in fact issue arising in this petition has been squarely covered by the decision of the Full bench in the case Rajendra Shivram Thakur (supra).

4. Learned AGP for the respondents-State does not dispute that no hearing was granted to the petitioner and that the petitioner was only directed to get place of residence corrected in the caste certificate. She submits that hearing can be granted to the petitioner to make legal and other submissions.

5. Having considered the submissions, we pass the following order :-

(i) The petitioner is permitted to appear before the respondent no.2 Scrutiny Committee on 3rd August 2021 at 11.00 a.m. wherein the petitioner shall make all submissions relating to the subject matter before the respondent no.2 Scrutiny Committee.

(ii) The respondent no.2 shall consider those submissions and pass an appropriate decision on these submissions including the consideration of the decision of the Full bench of this Court in the case of Rajendra Shivram Thakur (supra) within six weeks from the date of hearing.

(iii) The impugned order dated 31st May 2021 is quashed and set aside. Matter is remanded back to the respondent no.2 Scrutiny Committee for consideration de-novo in accordance with law.

(iv) Writ petition is accordingly disposed of in above terms. Rule is made absolute. There shall be no order as to costs.

R. I. CHAGLA J.

R.D. DHANUKA, J.