

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

**WRIT PETITION NO. 7812 OF 2021**

Rahul Venkat Deshatwad

... Petitioner

*Versus*

State of Maharashtra and Ors.

... Respondents

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Mr. R. K. Mendadkar a/w Mr. Tanaji Jadhav for the Petitioner.

Mr. Vikas M. Mali, AGP for the State-Respondents.

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**CORAM: R. D. DHANUKA AND  
ABHAY AHUJA, JJ.**

**DATE : 22<sup>nd</sup> NOVEMBER, 2021.**

**P.C. :-**

. Rule. Mr.Mali, learned AGP for the respondents waive service.  
By consent of parties, petition is heard finally.

2. 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 order dated 28<sup>th</sup> May, 2021 passed by the respondent no.2-Committee rejecting the application on the ground of the Committee not having territorial jurisdiction.

3. No affidavit-in-reply is filed by the respondents. The Committee did not decide the application on merits.

4. Mr. Mendadkar, learned counsel for the petitioner strongly placed the reliance on the judgment of this Court in case of ***Pranav***

***Dilip Wagh v/s. The State of Maharashtra and Ors.***, delivered on 24<sup>th</sup> September, 2021 in Writ Petition No. 5622 of 2021 dealing with the identical situation. In our view, the said judgment applies to the facts of this case. We do not propose to take any different view in this matter.

5. We accordingly pass the following order :-

- (a) Writ Petition made absolute in terms of prayer clause (a). The proceedings are restored back before the respondent no.2 for deciding the matter afresh and in accordance with the law on its own merits.
- (b) Respondent no.2 shall not reject the application on the ground of lack of territorial jurisdiction.
- (c) The petitioner is directed to remain present before the respondent no.2-Committee during the course of the day. Learned AGP after making enquiry with the Committee states that the Scrutiny Committee would hear some of the matter today. The committee shall hear the case of the petitioner in that event today in view of the extreme urgency and shall pass an appropriate order, if possible today or before 3<sup>rd</sup> December, 2021 i.e. the last of the petitioner submitting the Caste Validity Certificate before the CET which is stated 3<sup>rd</sup> December, 2021.
- (d) It is made clear that this Court has not expressed any views on the merits of the matter. All contentions of both the parties are kept open.
- (e) The order that would be passed by the Scrutiny Committee shall be communicated to the petitioner on the same day of the order that would be passed. If the order is adverse against the petitioner, the petitioner would be at liberty to file appropriate proceedings. If the order is passed in favour of the petitioner, the Scrutiny Committee shall

issue a Caste Validity Certificate in favour of the petitioner on the same day.

- (f) The petitioner would be liberty to produce the copy of this order before the CET for perusal and appropriate action.
- (g) Rule is made absolute in aforesaid terms. There shall be no order as to costs.
- (h) Parties as well as CET to act on an authenticated copy of this order.

**[ABHAY AHUJA, J.]**

**[R. D. DHANUKA, J.]**