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

WRIT PETITION NO. 1134 OF 2020

Rajashri Naresh Shinde

.... Petitioner

Versus

The State of Maharashtra & Ors.

.... Respondents

- Mr. Harshal Sathe a/w Mr. Arya Sapre & Mr. Pushpendra Shekhawat i/by Ms. Yashasvita Apte, Advocate for the petitioner .
- Mr. N.K. Rajpurohit, AGP for the Respondent Nos. 1 to 3.

**CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.**

DATE : JUNE 16, 2022.

P.C. :

1. It seems that, private notice was served on the respondents by the petitioner and in response to the private notice, an affidavit-in-reply is filed on behalf of Respondent Nos. 1 and 2 through the Research Officer attached to the District Caste Scrutiny Committee, Raigad. The petitioner is before this Court with contentions that the petitioner as well as Respondent No. 4 contested elections held in August, 2019 for the post of Sarpanch, Pabal, Tq. Pen, Dist. Raigad. In the said election Respondent No. 4 has won the election and petitioner lost the election. It is the submission before this Court that the Respondent No. 4 contested election on the basis of a validity certificate issued by Respondent No. 2. It is further submitted that there were certain documents to show that Respondent No. 4 was not belonging to Hindu Kunbi community, but he was belonging to Hindu

Maratha community. Thus, the submission is, the validity certificate granted in favour of the Respondent No. 4 is not a proper appreciation of the material.

2. In affidavit-in-reply filed on behalf of Respondent Nos. 1 and 2 following statements are made in paragraph nos. 20 to 22:

“20. I say that the Caste Certificate which is produced by the petitioner which was issued to Prabhakar Mahadu Thakur, dated 30.12.1999 shows the caste status as Hindu-Kunbi. The above mentioned facts in para no. 07 to 21 were never placed before the committee and for the first time the certificate obtained by the petitioner was received by the committee along with the copy of the petition. Hence, all these certificate are required to be re-examined.

*21. I say that after collaborating all evidences available and after examining the relative documents, the then Committee might to have come to conclusion that the Respondent No. 4 belongs to Kunbi Caste. In Raigad District ‘Kunbi’ community people were reluctant to record there caste as Kunbi in 1960’s owing to **the then** social status and it is intermittently observed from different documents that some people have mentioned their Caste Status as Kunbi and some have mentioned as Kunbi-Maratha.*

22. I say that it is seen that state government has

enacted the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes (VimuktaJatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Math XXIII of 2001) and formulated the Maharashtra Scheduled Castes, De-notified Tribes (VimuktaJatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012 The procedure to be followed as per the Act Regulation can be re exercised.”

3. The above referred statements clearly indicates that Respondent No. 2 – Caste Scrutiny Committee is in the process of re-examination of the caste claim of Respondent No. 4 by following the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and the Rules framed thereunder.

4. In view of these facts, we deem it appropriate to dispose of the petition with direction to Respondent No. 2 that Respondent No. 2 shall complete the exercise of re-examination as early as possible and not later than 12 weeks from the date of receipt of the order by this Court.

5. We further make it clear that the Respondent No. 2 shall grant

equal opportunity of hearing to the parties namely, the petitioner and the Respondent No. 4 before passing the order. The writ petition is disposed of with above directions.

6. All concerned shall act upon a copy of this Court duly authenticated by the Registry.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)