

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

WRIT PETITION NO.3984 OF 2022

**PRIYA
RAJESH
SOPARKAR**

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Date: 2022.04.07
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Nadira Hasan Mohammad Shaikh
@ Shaikh Nadira Salim
V/s.

... Petitioner

State of Maharashtra and ors.

... Respondents

Mr.C.K.Bhangoji, Advocate for the Petitioner.

Mr.P.P.Kakade, GP alongwith Ms.A.A.Purav, AGP for the State.

**CORAM : S. V. GANGAPURWALA AND
VINAY JOSHI, JJ.**

DATE : 5th APRIL, 2022.

P.C.:-

1. Rule. Rule made returnable forthwith and finally heard by consent of the parties.

2. The caste claim of the Petitioner as belonging to Teli OBC is invalidated. The learned counsel for the Petitioner submits that the Committee came to the conclusion that Petitioner has proved that he belongs to Teli caste, however, only on the ground that Teli OBC is not meant for Muslim has invalidated. The learned counsel relies upon the Government Resolution dated 29th January, 1983 to contend that Government has done away of providing OBC reservation on caste basis.

3. The learned AGP submits that the Petitioner was given opportunity of filing reply to the show cause notice. The Petitioner could have raised all these points. The Petitioner did not file reply to the show cause notice. According to the Petitioner, the Vigilance report is in favour of the Petitioner, as such there is no requirement to file reply.

4. We have considered the Judgment.

5. The Committee in Paragraph No.4 of the impugned order has held that in view of the Vigilance report and the documents filed by the applicant, caste as Teli is proved but only on the ground that at Sr.No.181 of the list the entry is not of the Muslim Teli, has invalidated on caste certificate of the Petitioner. The Committee certainly was required to consider the effect of the Government Resolution dated 29th January, 1983.

6. In the light of that, the impugned judgment is quashed and set aside.

7. The parties are relegated before the Committee. The Petitioner shall appear before the Committee on 28th April, 2022 and produce all documents, the Government Resolution and the judgment on which he relies upon. The Committee shall thereafter decide the application preferably within three months.

8. Rule accordingly made absolute. No costs.

(VINAY JOSHI, J.)

(S.V.GANGAPURWALA, J.)

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