

shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1077 OF 2019**

Balkrishna Bhagwan Yelpale	]	Petitioner
Vs.		
The State of Maharashtra through The	]	
Secretary, Social Justice and Special	]	
Assistance Division, Mantralaya,	]	
Mumbai and others.	]	Respondents

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Mr. Nagesh Y. Chavan, for Petitioner.

Mr. S.B. Kalel, A.G.P, for Respondents State.

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**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 16th MARCH, 2022.

P.C.

1. Heard.
2. Rule. Rule made returnable forthwith. Heard finally by consent of learned Counsel for the parties.
3. The petitioner claims to be belonging to “*Yallamalwar*” caste which has been notified as scheduled caste initially under the

Constitution (Scheduled Caste Order) 1950 which was subsequently amended by Notification issued in 1976.

4. According to the learned Counsel for the petitioner, the petitioner had produced old entries which were of the pre-constitutional period and had showed father of the petitioner as belonging to “Yelmaar” caste which has been held by the scrutiny committee at Solapur in three different orders to be short form of “*Yallamalwar*” caste. He submits that in similar facts, other bench of this Court has remanded the matter back to Solapur Scrutiny Committee for its fresh consideration. He relies upon the order dated 14th December, 2018 passed in **Writ Petition No.6226 of 2016. (Bhimrao Pandurang Holkar and others Vs. The Divisional Caste Scrutiny Committee No.1, Solapur and others)**.

5. In the present case, we find that the petitioner had also produced one entry standing in the name of his father showing caste of his father as “*Yelmaar*” and this document pertains to a period which was pre-constitutional, therefore, this Court would also have to pass similar order.

6. Accordingly, the petition is allowed. The impugned order dated 31st May, 2018 is hereby quashed and set aside. The matter is remanded back to respondent No.2 – The District Caste Scrutiny Committee, Sangli for it’s fresh consideration, in accordance with law. Respondent No.2 - The District Caste Scrutiny Committee, Sangli shall be at liberty to consider the evidence already on record and also admit fresh evidence and direct additional

vigilance inquiry, if it deems fit. Respondent No.2 - The District Caste Scrutiny Committee, Sangli shall decide caste claim of the petitioner at the earliest and preferably within three months from the date of appearance of the petitioner before respondent No.2 - The District Caste Scrutiny Committee, Sangli. The petitioner shall appear before respondent No.2 - The District Caste Scrutiny Committee, Sangli on 21st March, 2022. All questions are kept open.

7. We direct that no coercive steps be taken against the petitioner in relation to his service till the time respondent No.2 - The District Caste Scrutiny Committee, Sangli decides caste claim of the petitioner and also for a further period of two weeks from the date of communication of the decision, in case decision goes against the petitioner.

8. Rule is made absolute in the above terms. No costs.

9. Parties to act upon the authenticated copy of the order.

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]