

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1177 OF 2012

Gajanan Bhikaji Dhumal

Aged 34 years, residing at

Peth, Tal. Ambegaon, Dist. Pune.

.. Petitioner

Vs.

1. The State of Maharashtra

Through its Secretary,

Social Justice Department,

Mantralaya, Mumbai – 400 032.

2. Divisional Caste Certificate

Scrutiny Committee No.3, Pune

Through its Member Secretary

Having its office at P.M.T.Bldg.,

3rd Floor, above Labour Court,

Swargate, Pune – 411 042.

3. Sub Divisional Magistrate

Junnar Sub Division,

Dist. Pune.

.. Respondents

- Mr. R.K. Mendadkar, for the Petitioner.
- Ms. M.P. Thakur, AGP for Respondent Nos.1 to 3–State.

**CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ**

DATE : 11th AUGUST, 2023.

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

1. Heard. Rule. Rule made returnable forthwith by consent of learned counsel for the respective parties.

2. We find that, during the pendency of this petition, the same Scrutiny Committee i.e. Respondent No.2 has granted validity certificate to the caste certificates of Shubhangi Suresh Dhumal and Shubhada Suresh Dhumal, daughters of real brother of the petitioner as they belonging to Kunbi OBC caste. The validity so granted to the blood relatives of the petitioner from the paternal side has great probative value. However, on considering the fact that they were not available for appropriate consideration by the Scrutiny Committee, it is necessary that the matter is remanded back to the Scrutiny Committee for a fresh consideration of the issue. After all, caste claims decided one way or the other have great probative value on the rights of the claimants, and therefore, just because a document of great probative value was not available at the time when the caste claim was decided by the Scrutiny Committee, the claimant must not be put to disadvantage of suffering an adverse order that is passed against him. In such cases, it is necessary that a fresh opportunity is granted to the claimant so that the status claimed by him attains finality once and for all. Besides, it must not happen that in the same family there are members who are

certified to be belonging to one caste and others who are not certified to be belonging to the same caste.

3. For all these reasons, we find that this is a fit case for directing the Scrutiny Committee/Respondent No.2 to scrutinize the caste claim of the petitioner afresh by considering the subsequent developments. Hence, the following order :-

- (i) The petition is allowed.
- (ii) The impugned order dated 12th August, 2011 passed by the Scrutiny Committee/Respondent No.2 is hereby quashed and set aside.
- (iii) The matter is remanded back to the Scrutiny Committee/Respondent No.2 for fresh decision in the matter.
- (iv) Leave to produce validity certificates and other additional documents before the Scrutiny Committee/Respondent No.2, is granted to the petitioner.
- (v) We direct that the Scrutiny Committee/Respondent No.2 shall consider the validity certificates in the light of the vigilance report and other evidence on record.
- (vi) The Scrutiny Committee/Respondent No.2 shall decide the caste claim of the petitioner afresh in accordance with law as expeditiously as possible and preferably within four weeks from the date of appearance of the petitioner before the Scrutiny

Committee/Respondent No.2.

(vii) The petitioner shall appear before the Scrutiny Committee/
Respondent No.2 on 21st August, 2023 at 11.00 a.m.

4. Rule is made absolute in the above terms.
5. Writ Petition is disposed of.

[RAJESH S. PATIL, J.]

[SUNIL B. SHUKRE, J.]