

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5437 OF 2022

Mr. Jignesh Mahendra Agaria .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

- Mr. Chintamani Bhangoji a/w. Mr. Hamid D. Mulla, for the Petitioner.
- Ms. M.P. Thakur, AGP for State.

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

DATE : 25th JULY, 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. Even though there is a reference to the reply dated 15.10.2018 filed by the petitioner, in the impugned order, Respondent No.2-Scrutiny Committee, as rightly submitted by the learned counsel for the petitioner, does not appear to have considered in any manner the submissions made in the reply and also the documents tendered alongwith the reply. These documents appear to be 11 in number and given the nature of claim of the petitioner, we are of the view that they

should have been considered appropriately by Respondent No.2-Scrutiny Committee. Such being the case here, the impugned order would have to be treated as perverse in the sense that it does not take into consideration the material relevant for the purpose of deciding the caste claim of the petitioner.

3. Accordingly, this petition is allowed. The impugned judgment and order dated 05.11.2018 passed by Respondent No.2-Scrutiny Committee are quashed and set aside. The matter is remanded back to Respondent No.2-Scrutiny Committee for consideration afresh the caste claim of the petitioner in accordance with law.

4. Respondent No.2-Scrutiny Committee shall take into consideration all the documents submitted by the petitioner alongwith the reply dated 15.10.2018 and report of the Vigilance Committee in respect of the additional documents submitted by the petitioner and other relevant material before finally deciding the claim of the petitioner. We further direct that appropriate opportunity of hearing shall be granted to the petitioner. The petitioner shall remain present before Respondent No.2 on 31st July, 2023 at 11.00 a.m.

5. We further direct Respondent No.2 to finally decide the caste claim of the petitioner in accordance with law at the earliest and preferably within a period of 12 weeks from the date of appearance of the petitioner before Respondent No.2.

6. Rule is made absolute in the above terms. No costs.
7. Petition is disposed of accordingly.

[RAJESH S. PATIL, J.]

[SUNIL B. SHUKRE, J.]