

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Civil Application (CAW) No. 637 of 2023
in

Writ Petition No. 7559 of 2022

[Dadadarao s/o Shankarao Gangatre ..vs.. Janardhan Laxmanrao Mhaske and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. D. Hiwrekar, Advocate for the applicant/intervener
Mr. R. M. Gaikwad, Advocate for the petitioners
Mrs. K. R. Deshpande, A.G.P. for respondents 1 and 2
Mr. Kalyan Chiwarkar, Advocate h/f Mr. Anand Parchure, Advocate for
respondent 3

CORAM : ROHIT B. DEO AND
MRS. VRUSHALI V. JOSHI, JJ.

DATED : 31-3-2023

Present civil application is not pressed.

2. Civil application is disposed of as not pressed.

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3. This petition is preferred by Janardhan Laxmanrao Mhaske, who is described in the cause title as retired and Chairman of the institution. Petitioner 2 is Dr. Shyam Kondibarao Sarje, who is described as Incharge Principal.

4. In order to examine the locus of the petitioners to challenge the judgment of the Caste Scrutiny Committee, we grant leave to the petitioners to amend the cause title, if so required, and to further place on record any

documentary material which may be available to demonstrate that presently also, petitioner 1 is the Chairman of the institution.

5. Learned counsel for the petitioners has submitted that there are two orders holding the field. The Caste Scrutiny Committee at Aurangabad has invalidated the certificate which the respondent 3 obtained from the Tahsildar within the jurisdiction of Aurangabad Caste Scrutiny Committee and respondent 3 on the strength of a certificate obtained from the Sub Divisional Officer, Buldhana has now secured validity certificate from the Amravati Caste Certificate Committee. Learned counsel for the petitioners further submitted that the validity is granted by the Caste Scrutiny Committee at Amravati although earlier Caste Scrutiny Committee at Aurangabad invalidated the claim of the petitioner. If this is so, then certain very serious and disturbing questions may arise.

6. We put respondent 3 on notice that if we find that any material fact was suppressed from the Amravati Caste Scrutiny Committee or that despite invalidation by the Caste Scrutiny Committee at Aurangabad, the

impugned validity is secured, we shall not only set aside the caste validity certificate with exemplary costs of Rs. 1,00,000/- (Rupee One Lac), we may further initiate such coercive action as may be necessary.

7. Stand over to 17-4-2023.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

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