

VSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.547 OF 2012

Santosh Namdev Patil .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w

WRIT PETITION NO.550 OF 2012

Vandana Danaji Patil @
Vandana Pandurang Gurav .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w

WRIT PETITION NO.551 OF 2012

Jayashri Pratap Dhaygude .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w

WRIT PETITION NO.552 OF 2012

Santosh Balkrishna Kshrisagar & Ors. .. Petitioners

V/s.

State of Maharashtra & Ors. .. Respondents

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wp.547.2012+operativeorder

a/w
WRIT PETITION NO.553 OF 2012

Sharada Navnath Sutar .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w
WRIT PETITION NO.554 OF 2012

Usha Anand Nikalje .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w
WRIT PETITION NO.555 OF 2012

Prabhakar Sida Pujari & Ors. .. Petitioners

V/s.

State of Maharashtra & Ors. .. Respondents

a/w
WRIT PETITION NO.556 OF 2012

Shaleja Sachin Badgude .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w
WRIT PETITION NO.557 OF 2012

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wp.547.2012+operativeorder

Sangram Dattatray Patil

.. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION NO.558 OF 2012

Krishna Nana Lad

.. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION NO.560 OF 2012

Subhash Shridhar Satpute

.. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION NO.561 OF 2012

Rajkumar Laxman Dhotre

.. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION NO.562 OF 2012

Uma Ramesh Bulunge & Ors.

.. Petitioners

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wp.547.2012+operativeorder

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION NO.563 OF 2012

Ayesha Isak Sutar

.. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION NO.564 OF 2012

Archana Amit Mali & Ors.

.. Petitioners

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION NO.565 OF 2012

Shri Gulab Ghanasham Solase & Ors.

.. Petitioners

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION NO.569 OF 2012

Madhukar M. Athavale & Ors.

.. Petitioners

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w
WRIT PETITION NO.441 OF 2012

Ranjana Ramesh Chivate @
Ranjana Kashinath Gambhir .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w
WRIT PETITION (L) NO.94 OF 2012
(ORIGINAL SIDE)

Vaishnavi Vijay Sarfare .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w
WRIT PETITION (L) NO.95 OF 2012
(ORIGINAL SIDE)

Sandeep Yashwant Rajapurkar & anr. .. Petitioners

V/s.

State of Maharashtra & Ors. .. Respondents

a/w
WRIT PETITION NO.OF 2012

.. Petitioners

V/s.

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wp.547.2012+operativeorder

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION NO.576 OF 2012

Shri Annaso Alias Anil Sambhaji Bhandare

.. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION NO.575 OF 2012

Manohar S. Margale

.. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION NO.573 OF 2012

Santosh Ganpath Devkar & Ors.

.. Petitioners

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION (ST.) NO.1709 OF 2012

Tanaji Vitthal Kumbhar

.. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w
WRIT PETITION (ST.) NO.1706 OF 2012

Siddheshwar Trimbak Mumbare .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w
WRIT PETITION (ST.) NO.1710 OF 2012

Shri Sangram K. Mane & anr. .. Petitioners

V/s.

State of Maharashtra & Ors. .. Respondents

a/w
WRIT PETITION NO.574 OF 2012

Smt.Sugandha J. Khode .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w
WRIT PETITION (ST.) NO.1707 OF 2012

Shri Pravin Atmaram Shelar .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w

WRIT PETITION NO.578 OF 2012

Smt.Shantabai Gulabrao Kale .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w

WRIT PETITION (ST.) NO.1721 OF 2012

Subdra Bapurao Yadav & Ors. .. Petitioners

V/s.

State of Maharashtra & Ors. .. Respondents

a/w

WRIT PETITION (St.) NO.1698 OF 2012

Rohini Bapurao Yadav @
Rohini M. Pahane .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w

WRIT PETITION NO.1692 OF 2012

Shri Shashikant Maruti Chavan .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w

WRIT PETITION ST. NO.1735 OF 2012

Smt.Vimal Shankar Bavache .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w

WRIT PETITION NO.607 OF 2012

Shri Uttam Rajaram Kagale .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w

WRIT PETITION NO.608 OF 2012

Shri Vishnu Balu Mali .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w

WRIT PETITION (ST.) NO.1759 OF 2012

Mariba Gundiba Sukale .. Petitioner

V/s.

State of Maharashtra & Ors. .. Respondents

a/w

WRIT PETITION (st.) NO.1752 OF 2012

Kum. Pritam Omprakash Phutane .. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION ST. NO.1773 OF 2012

Smt.Ashvini Rakesh Zodage

.. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION ST. NO.1739 OF 2012

Smt.Gita Dinkar Kamble

.. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

a/w

WRIT PETITION ST. NO.1795 OF 2012

Vishwas Pandurang Gurav

.. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

AND

WRIT PETITION (ST.) NO.1796 OF 2012

Ujwala J. Chandane

.. Petitioner

V/s.

State of Maharashtra & Ors.

.. Respondents

Mr.S.V. Gavand for the Petitioner in WP/547/2012

Mr.A.B. Borkar for Petitioner in WP/550/2012

Mr.P.D. Patil for Petitioner in WP/551/2012

Mr.Laxman Deshmukh in WP/552/2012, WP/553/2012 and WP/554/2012

Mr.H.G. Wakshe & Abhiman Patil for petitioner in WP/555/2012

Mr.A.M. Kulkarni with V.R. Gaiway for Petitioners in WP/556/2012, 557/2012, 558/2012, 560/2012, 441/2012 and 561/2012

Mr.S.B. Deshmukh for petitioner in WP/562/2012

Mr.Amit Sale for petitioner in WP/563/2012, 564/2012 and 565/2012

Mr.J.B. Choudhary for Petitioner in WP/569/2012

Mr.B.D. Joshi for Petitioner in WPL/94/2012

Ms.M.S. Parasnis for Petitioner in WPL/95/2012

NOT ON BOARD MATTERS:

Mr.C.G. Patil for Petitioner in WPST/1796/2012, WP/1795/2012

Mr.S.Sakhare for Petitioner in WPST/1739/2012

Mr.Y.R. Mishra for Petitioner in WPST/1773/2012, WPST/1752/2012

Mr.P.B. Kulkarni for Petitioner in WPST/1759/2012

Mr.H.S. Venegavkar for Petitioner in WP/608/2012, WP/607/2012

Mr.P.M. Arjunwadkar for Petitioner in WPST/1735/2012

Mr.V.V. Mohite for Petitioner in WPST/1692/2012

Mr.I.M. Vohra for Petitioner in WPST/1698/2012

Mr.J.B. Choudhary for Petitioner in WPST/1721/2012

Mr.S.B. Deshmukh for Petitioner in WPST/1708/2012

Mr.P.S. Bhavake for Petitioner in WPST/1707/2012

Mr.Vikas Kolekar for Petitioner in WP/574/2012

Mr.Amit Sale for petitioner in WPST/1710/2012, WPST/1709/2012

Mr.S.M. Gorwadkar for Petitioner in WPST/1706/2012

Mr.Virendra Pethe for petitioner in WP/573/2012

Mr.Anant Vadgaonkar for WP/575/2012

Mr.D.H. Pawar for Petitioner in WP/576/2012

Mr.Vijay Patil, Government Pleader, a/w Ms.Uma Palusule Desai, AGP,
for the Respondent State
Mr.S.B. Shetye, for State Election Commission

**CORAM: MOHIT S. SHAH, C.J. &
MRS.ROSHAN DALVI, J.**

DATED: JANUARY 19, 2012

P.C.:

For the reasons separately mentioned, the following order is
passed:

ORDER

(i) In the result, we hold that the impugned circulars dated 20.9.2011, 7.10.2011 and 17.11.2011 of the State Government in the Social Justice and Special Assistance Department stipulating cut off dates for making applications under subsection (1) of section 6 of the Caste Verification Act, 2000 (Maharashtra Act No.XXIII of 2001) are illegal.

(ii) However, since the petitioners have approached the court very late and the election process has already commenced, we decline to give any consequential directions, but we do clarify that in case the Collector of the concerned district accepts any such application made under subsection (2) of section 6 of the Caste Verification Act, 2000 it is for the concerned Collector to decide whether, having regard to the paucity of time and the various election duties with which the Collector is entrusted, he would consider such applications at

this stage within any time frame. Since the Collector is the Officer entrusted by the Election Commission with various onerous and emergent duties, we would not issue any further directions to the Collectors of the respective districts except that in case a Collector decides to consider any applications which he may receive for any such caste validity certificates from prospective candidates, the Collector shall consider such applications by following the rational norms and not pick and choose any application arbitrarily.

(iii) We further make it clear that the ad-interim order passed on 13.1.2012 in Writ Petition Nos.383 of 2012, 384 of 2012 and 385 of 2012 on 13th January 2012 as well as the other orders passed thereafter will have to be read in light of the above final directions.

(iv) The petitions are disposed of in the aforesaid terms.

CHIEF JUSTICE

ROSHAN DALVI, J.