

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.6861 OF 2015

Smt. Monica d/o Eknath Vakhare
and others

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr.N.T.Tribhuvan, advocate for petitioners

Mr.C.V.Dharurkar, A.G.P. for Respondents No.1 to 3.

Mr.Y.K.Bodkhe, advocate holding for Mr.S.S.Tope, advocate for Respondent No.4.

Mr.Madhur A. Golegaonkar, advocate for Respondent No.5.

CORAM : R.M.BORDE &

A.I.S.CHEEMA, JJ.

DATE : 24th November, 2015

PER COURT:

1 Petitioners are objecting to the issuance of validity certificate in favour of Respondent No.5.

2 Petitioners contend that Respondent No.5 obtained caste certificate in her maiden name prior to elections and it was got cancelled at subsequent stage. Respondent No.5, with a view to contest elections to the Municipal Corporation, again applied for issuance of caste certificate in her matrimonial name i.e. in her changed name after marriage, which was issued to her.

3 The petitioners are objecting to the order passed by the Scrutiny Committee granting validity certificate in favour of Respondent No.5, merely on the ground that the caste certificate, which was cancelled earlier, was produced for verification and said certificate has been held valid. Both the certificates i.e. issued in the maiden name of Respondent No.5 as well as in her matrimonial name bears same serial

number. Both the certificates, which are placed on record, indicate caste of Respondent No.5 as Christian OBC. There is no dispute as regards identity of the person. It is also not disputed that Respondent No.5 has secured the caste certificates that she belongs to Christian OBC category after complying with procedural formality. The Scrutiny Committee, on the basis of evidence produced before it, is expected to validate the caste certificate and issue a certification that the individual, in whose favour, the caste certificate is issued, belongs to that particular caste.

4 In the instant matter, reasons recorded by Scrutiny Committee in support of order for issuing validity certificate, certifying that she belongs to Christian OBC category, are not demonstrated to be erroneous. The decision of the Committee is not objected on merits, however, an error, that has been committed by the Scrutiny Committee in considering the caste certificate issued in favour of Respondent No.5 in her maiden name, is a matter of challenge. There is no substantial challenge in respect of caste certificates or in respect of validity of caste certificate. The challenge is raised merely on technical ground. We do not find that jurisdiction conferred upon this Court under Article 226 of the Constitution need be exercised for scrutinising technical challenges when there is no objection as to the substantive matter i.e. caste of Respondent No.5. Writ Petition, therefore, need not be entertained.

5 Writ Petition accordingly stands dismissed.

A.I.S.CHEEMA
JUDGE

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R.M.BORDE
JUDGE