

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11430 OF 2014

Mohammad Husain Hisamuddin Shaikh)... Petitioner
V/s.
The State of Maharashtra & Ors.)... Respondents

WITH

WRIT PETITION NO.11429 OF 2014

Miss.Misbah Mohammed Sadik)...Petitioner
V/s.
The State of Maharashtra & Ors.)...Respondents

WITH

WRIT PETITION NO.11449 OF 2014

Anwar Husain Hisamuddin Shaikh)...Petitioner
V/s.
The State of Maharashtra & Ors.)...Respondents

WITH

WRIT PETITION (ST) NO.32911 OF 2014

Mohammed Afzal Dinmohammed Shaikh)...Petitioner
V/s.
The State of Maharashtra & Ors.)...Respondents

Mr.K.N.Kandekar a/w Mr.Sachin Kankal for petitioners.
Mr.V.N.Sagare AGP for respondent nos.1 to 3.

**CORAM: ANOOP V.MOHTA &
K.R.SHRIRAM, JJ.**

DATED : 23rd April, 2015.

P.C. :

1 Rule returnable forthwith. Heard finally by consent of parties.

2 We are inclined to dispose of present writ petitions as they are belonged to one family. Paternal relative Dinmohamad got validity certificate of the caste muslim Takari after due inquiry from the respondents and that has attained finality. The issue is with regard to the petitioners' caste 'muslim-takari' who are relatives of Dinmohamad.

3 The following chart shows their relation with Dinmohammed :-

Sr.No	Writ Petition No.	Name of petitioner	Validity Certificate granted by Nasik Scrutiny Committee	Relation of Petitioners to whom Validity is granted
1	11430 of 2014	Mohammed Husain Hisamuddin Shaikh	Dinmohammed Hisamuddin Shaikh	Real brother
2	11429 of 2014	Misbah Mohammed Sadik Shaikh	do.....	Niece (Real Brother's Daughter)

3	11449 of 2014	Anwar Husain Hisamuddin Shaikh	do.....	Real Brother
4	32911 of 2014	Afzal Dinmohamm ed Shaikh	do.....	Son

4 There is no issue with regard to the relationship. The submission therefore, all these cases are governed by following judgments of this court need to be accepted. We have consistently held that the caste validity certificate issued in favour of one relative (paternal) as defined under the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act (2000) can be the foundation for other relatives for same claim. The respondent-authority thus cannot overlook the same unless there is a case of fraud or mis-representations. There is no such material placed on record and/or any challenge raised and/or made to the certificate issued to Dinmohammed. Therefore, the other relatives thus cannot be denied the similar caste validity certificate, as done in the present case by overlooking the provisions of law and also the following judgments-

(1) Pranav Prakash Mandlik Vs. State of Maharashtra (2015(1) ALL MR 177)

- (2) Mayur s/o Shamrao Nannaware Vs. S.T.C.C.Scrutiny Committee (2014(1) MH.L.J.437)
- (3) Apoorva Vs. D.C.C.S.Committee No.1 (2010 (6) MH.L.J 401)
- (4) Ravindra Pralhadrao Khare Vs. State of Maharashtra (2013(3) ALL MR 644)

The petitioners' caste claim, being relative from paternal side and similarly situated, we are inclined to grant.

5 Therefore, following order :-

ORDER

- (a) All writ petitions are allowed in terms of respective prayer clause-(a) ;
- (b) The respondents to issue certificate as early as possible preferably within eight weeks ;
- (c) Rule made absolute accordingly ;
- (d) No costs.

(K.R.SHRIRAM, J.)

(ANOOP V.MOHTA,J)