

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1529 OF 2011

Abhishek s/o Kiran Bhandegaonkar,
age: 20 years, Occ: Education,
R/o New Prerna Steel Centre,
Main Road, Manwath, Tq. Manwath,
District Parbhani.

Petitioner

Versus

01 The State of Maharashtra,
through the Secretary,
Department of Social Welfare,
Mantralaya, Fort,
Mumbai-32.

02 The Scheduled Castes, Scheduled
Tribes, De-Notified Tribes (Vimukta
Jatis), Nomadic Tribes, Other
Backward Classes & Special
Backward Category Caste Certificate
Scrutiny Committee No.1,
Aurangabad Division,
Aurangabad.

03 The Sub Divisional Officer,
Selu, Tq. Selu, Dist.Parbhani.

04 The Principal,
Genba Sopanrao Moze College
of Engineering, Sy.No.25/1/3,
Balewadi, Pune – 411 045.

05 The Registrar,
Pune University, Ganeshkhind,
University Area, Pune.

06 The Principal,
Sinhgad College of Engineering,
Vadgaon (Bk),
Pune 411 041.

Respondents

Mr.Amit A. Mukhedkar, advocate for the petitioner.
Mr.B.V.Virdhe, A.G.P. for Respondents No.1 to 3.
Respondents No.4 & 5 served.

**CORAM : R.M.BORDE &
A.I.S.CHEEMA, JJ.
DATE : 12th February, 2016**

ORAL JUDGMENT (Per R.M.Borde, J.)

1 Heard.

2 Petitioner is objecting to the order passed by the Scrutiny Committee on 16.11.2009, directing invalidation of caste certificate issued in his favour.

3 Petitioner claims to belong to “Jangam” caste, which is included in Other Backward Class category. The caste certificate issued in favour of the petitioner was referred to the Scrutiny Committee for verification and the Scrutiny Committee, after conducting inquiry, has directed invalidation of caste certificate issued in favour of the petitioner.

4 Petitioner has been admitted to the Engineering course as against a seat earmarked for OBC category and in view of the order of invalidation of his caste certificate, his educational prospects are likely to be adversely affected.

5 In order to substantiate his claim, petitioner has placed reliance on his own school record as well as entries in the school record in respect of his real sisters and some other evidence supporting his caste claim. Although an isolated entry, recorded in

the school record in the year 1996, indicates the petitioner belongs to “Mala Jangam”, which is included in Scheduled Tribe category, however, petitioner sought correction in the entry and same is corrected by substituting entry in respect of his caste as “Jangam” in the school record at subsequent stage. Petitioner also places reliance on the validation certificates issued in favour of his two real sisters by the competent Scrutiny Committee on 17.12.2003 and 20.06.2007, respectively.

6 The Scrutiny Committee refused to place reliance on the validation certificates issued in favour of real sisters of the petitioner, relying upon the reported judgment of Division Bench of this Court in the matter of *Ravindra Dnyandeo Solanki Vs. State of Maharashtra & others*, reported in 2006 (6) ALL MR 605.

7 Admittedly, there is no contra evidence forthcoming nor there is any allegation that the validation certificates issued in favour of both the real sisters of petitioner are secured fraudulently or by misrepresentation. In the facts and circumstance, reliance can be conveniently placed on the reported judgment of Division Bench of this Court in the matter of **Apoorva d/o Vinay Nichale Vs. Divisional Caste Scrutiny Committee No.1 and others**, reported in 2010 (6) MhLJ 401. The Division Bench of this Court, in the matter arising out of similar facts and circumstances, has observed that:

“... The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a committee has given a finding about the validity of the caste of a candidate another committee ought not to refuse the same status to a

blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order.”

8 Similarly, taking note of the judgment in the matter of **Apoorva** (cited *supra*), a Division Bench of this Court at Nagpur, in the matter of **Mayur Shamrao Nannaware Vs. Scheduled Tribe Caste Certificate Scrutiny Committee & others**, reported in 2014 (4) Bom.C.R. 730, has observed in paragraph 9 of the judgment, that the Caste Scrutiny Committee is a quasi judicial authority constituted under the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance of Verification of) Caste Certificate Act, 2000, and the Scrutiny Committee cannot give a go bye to the law laid down by the Hon'ble Supreme Court and this Court on the issues which fall for consideration before the Caste Scrutiny Committee. It has also been observed by the Division Bench that, it has been repeatedly said in several judgments that if the Caste Validity Certificate is issued in favour of father, brother, sister, real blood relatives, then the Caste Validity Certificate should be issued to the candidate unless the Caste Scrutiny Committee comes to a definite view that the earlier Caste Validity Certificate in respect of near blood relatives are obtained by submitting forged and fabricated documents and/or obtained by misrepresentation.

9 In view of above, we are of the opinion that the evidence in the form of validation certificates issued in favour of two real sisters of the petitioner ought to have been favourably considered by the Scrutiny Committee.

10 Writ Petition, therefore, deserves to be allowed and same is accordingly allowed. The order dated 16.11.2009, impugned in this petition, passed by the Scrutiny Committee, directing invalidation of caste certificate of the petitioner, is quashed and set aside and the Scrutiny Committee is directed to issue validation certificate in favour of the petitioner, as expeditiously as possible, preferably within a period of four weeks from today.

11 Rule is accordingly made absolute. There shall be no order as to costs.

A.I.S.CHEEMA
JUDGE

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R.M.BORDE
JUDGE