

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

WRIT PETITION NO.4792/2016

(Sou. Kesharbai w/o Bhuwanlal Upwanshi vs. The State of Maharashtra and others)

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

Court's or Judge's order

Mr. V.K. Mishra, Advocate for the petitioner
Mr. A.A. Madiwale, Assistant Government Pleader for Respondent Nos.1 & 2
Mr. A.K. Waghmare, Advocate for Respondent No.3

**CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.**

DATED : 21st November, 2016.

Heard.

By this Writ Petition, the petitioner challenges the order of the Scrutiny Committee refusing to verify the caste claim of the petitioner on the ground that the petitioner has migrated to Maharashtra from the State of Madhya Pradesh.

The petitioner was born at Balaghat in Madhya Pradesh, on 10.1.1962, was married in the 'Lodhi' community, on 7.3.1976 and she started residing in Gondia in the State of Maharashtra in the matrimonial home. The petitioner secured a caste certificate of belonging to 'Lodhi' community, which falls in the Other Backward Classes, and referred it to the Scrutiny Committee at Nagpur, for verification. The Scrutiny committee refused to verify the caste claim of the petitioner on the ground that the petitioner had migrated from the State of Madhya Pradesh and the caste claim of the petitioner could not be verified in view of the provisions of Maharashtra

Scheduled Castes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012.

On a reading of the provisions of Rules of 2012, it appears that the Scrutiny Committee was justified in refusing to verify the caste claim of the petitioner. The petitioner was admittedly born in Balaghat in Madhya Pradesh on 10.1.1962 i.e. before the deemed date. The petitioner had migrated from the State of Madhya Pradesh to the Maharashtra State and is started residing at Gondia after her marriage on 7.3.1976. On a combined reading of the provisions of Rule 6 (c) and the proviso to Rule 14 of the Rules, it is clear that the caste claim of the petitioner could not have been verified by the Scrutiny Committee at Nagpur as the petitioner had migrated from Madhya Pradesh.

Since the order of the Scrutiny Committee is just and proper, the Writ Petition is dismissed, with no order as to costs.

JUDGE

JUDGE

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