

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

WRIT PETITION NO.3209 OF 2015

Mohsin Ahmad Shah s/o Ayyub Shah

..vs..

**State of Maharashtra, thr its Secretary, Department of Social Welfare, Mantralayal,
Mumbai and anr**

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

Court's or Judge's Order

Shri V.R. Choudhari, counsel for the petitioner.
Shri N.S. Rao, AGP for the respondents.

**CORAM : B.P. DHARMADHIKARI &
KUM. I.K. JAIN, JJ.**

DATED : JUNE 17, 2016.

Heard learned counsel Shri V.R.Choudhari for the petitioner and learned Assistant Government Pleader Shri N.S. Rao for the respondents.

Learned counsel Shri Choudhari for the petitioner has sought time to place on record later Government Resolution by which the State Government has asked the competent authority to issue caste certificate to those whose old records mentioned word “Fakir” or “Shah” after the name.

Learned Assistant Government Pleader Shri N.S. Rao for the respondents submits that here order of the scrutiny committee does not suffer from any jurisdictional error.

We have accordingly perused order of the

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scrutiny committee. The scrutiny committee has found that “Fakir” is recognized as “*Other Backward Classes*” while “Chapparband” is recognized as “Vimukta Jati”. It has further found that after application of affinity test, the caste of the petitioner is found closer to “Fakir” and the characteristics of “Chapparband” are not met with.

In view of this specific finding, occurrence of word “Fakir” in old documents by itself cannot be decisive. Similarly, if in the name “Shah” has been used as suffix, that also cannot be determinative.

The scrutiny committee has considered all these aspects and its conclusion does not appear to be erroneous or perverse.

The writ petition is rejected. No costs.

JUDGE

JUDGE

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