

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 1481 OF 2016****WITH****CIVIL APPLICATION NO. 549 OF 2017****IN****WRIT PETITION NO. 1481 OF 2016**

Kumari Ghale Sarita Kalyani

....Petitioner/
Applicant.

Vs.

State of Maharashtra & Ors.

....Respondents.

Mr. J.G. Reddy for the Petitioner/Applicant.

Mr. C.P. Yadav, AGP for Respondent Nos. 1 to 3.

**CORAM : B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.
DATE : 5 JULY 2017.****P.C.:-**

Rule made returnable forthwith. Heard by consent of parties.

The Petitioner has filed this Petition, challenging order dated 11 July 2013, passed by Respondent No.2-Caste Scrutiny Committee invalidating the Caste Certificate of the Petitioner who claims that she belongs to “Chambhar Scheduled Caste”.

2 The Petitioner claims that the Caste Certificate was granted to the Petitioner's father's real brother. The genealogy has also been annexed at page No.54 and the validity Certificate of the father's real brother Shri Ghale Annarao Hanmant is at Exhibit-A to the Affidavit of the Petitioner dated 29 September 2016.

3 The learned counsel appearing for the Petitioner has relied upon the Judgment of the Division Bench of this Court in Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.¹ to contend that the Petitioner's Caste Certificate ought to have been validated by the Scrutiny Committee on account of the Caste Validity Certificate being granted to the Petitioner's father's real brother.

4 Mr. Yadav, the learned AGP appearing for Respondents -State submitted that this is a case of migration from the State of Karnataka to Maharashtra and hence the Caste Scrutiny Committee has correctly invalidated the Caste Certificate of the Petitioner.

1 2010 (6) Mh. L. J. 401

5 We are of the considered view that, the present Writ
Petition is clearly covered by the Judgment passed by the Division
Bench of this Court in Apoorva d/o Vinay Nichale (Supra). In
paragraph No. 7 it is held that-

“7. *We thus come to the conclusion that when during the
course of enquiry the candidate submits a caste
validity certificate granted earlier certifying that a
blood relation of the candidate belongs to the same
caste as that claimed by the applicant, the committee
may grant such certificate without calling for
Vigilance Cell Report. However, if the committee finds
that the earlier caste certificate is tainted by fraud or
is granted without jurisdiction, the Committee may
refuse to follow and may refuse to grant certificate to
the applicant before it.*”

6 We are of the view that, the Judgment applies to the
present Petition as the Petitioner's father's real brother has been
granted the caste validity certificate, which is annexed at page No. 52,
as belonging to the Chambhar Scheduled Caste.

7 The impugned order passed by the Caste Scrutiny
Committee dated 11 July 2013, is accordingly quashed and set aside
and therefore, it is held that the Petitioner belongs to Chambhar
Scheduled Caste.

8 Respondent No. 2-Caste Scrutiny Committee is directed to grant the Caste Validity Certificate within a period of four weeks from today.

9 Writ Petition is accordingly allowed. There shall be no order as to costs.

10 Needless to state that Respondent No.4-College shall permit the Petitioner to pursue her education and declare the result.

11 In view of disposal of the Writ Petition itself, nothing survives in the Civil Application and the same is also disposed of.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI J.)