

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3302 OF 2015

Md. Ali Mushtaque Ahmed Inamdar

.... Petitioner

vs

1 State of Maharashtra

2 Divisional Caste Certificate
Scrutiny Committee No.1., Solapur3 The Registrar,
University of Health Science, Nasik4 The Principal,
Gandhi Natha Rangji College of D Pharmacy,
Solapur

.... Respondents

Mr. C.K. Bhangoji i/by Mr. H. D. Mulla for the petitioner.
Mr. V.N. Sagare, AGP for respondents 1 to 3.

**CORAM: B. R. GAVAI &
RIYAZ I. CHAGLA, JJ.**

DATE : June 30, 2017

P.C.:

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

2 The Petitioner has approached this Court being aggrieved
by order dated 5.5.2014 vide which the claim of the Petitioner for

grant of validity of belonging to Momin (Other Backward Class) came to be rejected.

3 Though the learned counsel for the Petitioner has relied on various documents in support of the claim of the Petitioner, we do not find it necessary to go into those documents inasmuch as the Petitioner claims need to be allowed on the short ground that the Petitioner's father's claim being validated by the Respondent-Committee.

4 It is not in dispute that the Petitioner's father namely Mushtaq Ahmed Md. Shafi Inamdar has been granted validity by the Respondent-Committee vide order dated 28.12.2011. The Division Bench of this Court in the case of *Apoorva Vinay Nichale v. Divisional Caste Certificate Scrutiny Committee No.1 and ors.*¹ has held that when a claim of a near relative is validated by a Committee, then another close relative cannot be denied the validity.

5 In that view of the matter, impugned order is not

1 2011 (2) Bom. C.R. 824

sustainable in law.

6 In the result, the following order :

ORDER

- (i) Impugned order dated 5.5.2014 passed by Respondent No.2-Committee is quashed and set aside.
- (ii) The Respondent No.2-Committee is directed to issue validity certificate certifying that the Petitioner belongs to Momin (Other Backward Class) within a period of four weeks from today.
- (iii) Rule is made absolute in the above terms.
- (iv) There shall be no order as to costs.
- (v) Needless to state that all consequential orders shall follow.

(RIYAZ I. CHAGLA J.)

(B. R. GAVAI J.)