

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5562 OF 2015

Shankar Raju Ghatkari .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

Mr. Vasant D. Raut for Petitioner
Mr. V.N.Sagare, AGP for State – Respondent Nos. 1 to 3.

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

DATE : 3rd July 2017.

P.C.

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

2] The Petitioner by this petition is challenging the order dated 3rd October 2015 passed by the Divisional Caste Scrutiny Committee – Respondent No.2 invalidating the caste claim of the Petitioner and cancelling his caste certificate.

3] Learned Counsel for the Petitioner has submitted that the

Respondent No.2 had failed to take into consideration the caste validity certificates issued to the Petitioner's real sister Ashwini Raju Ghatkari on the basis of her school records and the Committee was not justified in rejecting the caste claim of the Petitioner.

4] Learned Counsel for Respondent No.2 sought to contend that the by the impugned judgement and order the Respondent No.2 has correctly invalidated the caste claim of the Petitioner.

5] We are of the considered view that the position in law is well settled. The Division Bench of this Court in the case of Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee and Ors., reported in 2010(6) Mh.L.J. 401, has held thus:-

“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] The Division Bench of this Court further set aside the order of the caste scrutiny committee. We are of the considered view that the Division Bench judgement in the case of Apporva (supra) is squarely applicable to the facts of the present case. In the present case, the real sister of Petitioner has been granted caste validity certificate. The Petitioner is also, therefore, in the light of the judgement (supra), entitled to have his caste claim validated and accordingly the impugned order dated 3rd October 2015 is set aside.

7] The Respondent No.2 is directed to issue caste validity certificate to the Petitioner certifying that the Petitioner belongs to Hindu Khatik caste which is notified as a scheduled caste within a period of four weeks from today. Petition is made absolute in the above terms. No costs.

(RIYAZ I. CHAGLA, J)

(B.R.GAVAI, J.)