

Ladda(PS).

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION
WRIT PETITION No. 6812 of 2013
WITH
CIVIL APPLICATION No. 1957 of 2017
IN
WRIT PETITION No. 6812 of 2013

Shaikh Humenrabano d/o Chandpasha ..Petitioner.
vs
Divisional Caste Scrutiny Committee & Ors ..Respondents.

Mr. S.G. Kudle, Advocate for the Petitioner.
Mr. A.P. Vanarase, AGP for Respondent No. 1 to 3.

CORAM : ANOOP V. MOHTA AND
SMT. BHARATI H.DANGRE, JJ.
DATE : 20th September, 2017

FINAL ORDER :-

- 1) Rule. Rule is made returnable forthwith. Heard finally by consent of parties.
- 2) The petitioner has challenged the impugned order passed by Respondent Committee, whereby her application for caste validity certificate is rejected. The petitioner submitted that she belongs to Julaha caste which falls in OBC category.
- 3) We have gone through the reasons recorded by the Caste Scrutiny Committee. It appears that the petitioner's two real brothers and sister have already been issued caste validity certificates, copies of which are annexed to the petition at page 16 to 18. These certificates have attained finality as there is no challenge to those certificates by any one for any reason. Therefore, in view of judgment of this Court in Writ Petition No. 7343 of 2013 and as issue is settled with regard to grant of

other reliefs paternal side relatives based upon the existing certificates and other paternal side relatives as there is no case of fraud and/or misrepresentation. Therefore, in view of this, we see no reason to deny the said certificate/claim of the petitioner. Therefore, taking over all view of the matter and in view of the settled position of law, declared by this Court in Writ Petition No. 7343 of 2013 Madhuri Nitin Jadhav Vs. State of Maharashtra, we are inclined to allow the present writ petition in terms of prayer clause (b) which is reproduced below:-

(b) This Hon'ble Court be pleased to issue the writ of certiorari, orders, directions or any other orders, directions or appropriate writ in the nature of certiorari calling for the records and proceedings in respect of impugned order dated 11.7.2013 passed by the Respondent No.1 herein and after perusing the legality, propriety and correctness of the said order be pleased to quash and set aside the said order thereby directing respondent no.1 herein to issue the caste validity certificate in favour of the petitioner in respect of the caste certificate dated 7/4/2012 which is marked as Exh. "F" herein.

- 4) The writ petition is allowed accordingly.
- 5) In view of the above, civil application is also allowed in terms of prayer clause (a).
- 6) Rule is made absolute accordingly. There shall be no order as to costs.

(SMT. BHARATI H.DANGRE,J)

(ANOOP V. MOHTA,J)