

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10379 OF 2017

Sejal d/o. Deepak Mytrekar

...Petitioner

vs.

The State of Maharashtra and Others

...Respondents

Mr. S.C. Yeranwar, for the Petitioner

Mr. A.A. Kumbhkoni, Advocate General a/w. Mr. Akshay Shinde,
Special Counsel and Mr. Sandeep Babar, AGP, for the Respondents.

**CORAM : SHANTANU KEMKAR &
G.S. KULKARNI, JJ.**

DATE : OCTOBER 04, 2017

P.C.:

. Parties through their counsel.

2. The challenge in this Petition is to the order dated 2nd September, 2017 passed by the second Respondent- the Scheduled Tribe Caste Certificate Scrutiny Committee, Aurangabad (in short "*the Committee*") whereby the Petitioner's caste validity claim of she being "*Mannervarlu*" tribe has been rejected.

3. In support of her claim before the Committee, the Petitioner has submitted 13 documents of which one was the caste validity certificate of her real uncle Pawan Ramdas Mytrekar dated 23rd June, 2011 stating therein that the Petitioner's uncle belongs to "*Mannervarlu (S.T.)*".

4. The Committee has rejected the Petitioner's claim on the basis of 8 documents in relation to the Petitioner's father and uncle Pawan Mytrekar as also another uncle and real brother. In the said documents, the caste of the Petitioner's father and the other relatives was shown to be “*Telgu/Telgu Mannervarlu/Mannervarlu*”.

5. The learned counsel for the Petitioner submits that the Committee has committed error in discarding the caste validation certificate of the Petitioner's uncle on the basis of entries as aforesaid in respect to her father and relatives. He submits that in view of the law laid down by the Division Bench of this Court in the case of **Apoorva Vinay Nichale v/s Divisional Caste Certificate Scrutiny Committee No.1 and others**, reported in **2010(6) Mh.L.J. 401.**, as also by the Supreme Court in the case of **Raju Ramsing Vasave v/s Mahesh Deorao Bhivapurkar and others**, **reported in (2008) 9 SCC 54** in the absence of there being any fraud, misrepresentation or order being passed by the authority not having jurisdiction, the Committee could not have discarded the said certificate.

6. He also submits that the Division Bench in the case of **Anil Ramdas Mede vs. The State of Maharashtra in Writ Petition No. 5090 of 2003 dated 26th August, 2004** has recorded

that mention of “*Telgu*” is in consequential as “*Telgu*” is not a caste but is an official language declared under VIII Schedule of the Constitution of India. In support of his contention that “*Telgu*” is not a Special Backward Class, the learned counsel for the Petitioner has referred the Government Resolution dated 15th June, 1995 which includes “*Telgu-Mannervarlu and Telgu-Kapewar*” as Special Backward Class and not “*Telgu*”.

7. Having considered the contention of the Petitioner in the light of the judgment passed by this Court in the case of **Apoorva Vinay Nichale** (supra), we are of the view that in absence of any of the grounds as per the said judgment, the Committee could not have discarded the validity certificate relied upon by the Petitioner.

8. In the case of **Anil Ramdas Mede** (supra) the Division Bench after considering the argument as to whether “*Telgu*” is a caste or not, has observed that, “*Telgu*” is not a caste. Even otherwise, as per the Government Resolution dated 15th June, 1995 “*Telgu*” is not a Special Backward Caste. In the circumstances, the order passed by the Scrutiny Committee rejecting the Petitioner's caste validation claim on the basis of entries in respect of the Petitioner's father and other relatives mentioning therein as they

are belong to “*Telgu*” or “*Telgu Mannervarlu*” caste, cannot be sustained.

9. In the circumstances, the Petition is allowed. The impugned order passed by the Committee is set aside and the Committee is directed to issue the caste validity certificate forthwith to the Petitioner on receipt of the authenticated copy of this order.

(G.S. KULKARNI, J.)

(SHANTANU KEMKAR, J.)