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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10087 OF 2015

Mr. Asif Anwar Husen Landge	..Petitioner
Versus	
The State of Maharashtra and another	..Respondents

Mr. G. N. Salunke i/by Mr. Umesh Kurund, Advocate for the Petitioner.

Mr. C. P. Yadav, AGP for Respondent - State.

**CORAM: B. R. GAVAI &
B. P. COLABAWALLA, JJ.**

DATE: 14th DECEMBER, 2017

P.C.:-

1] Rule. Rule is made returnable forthwith. Respondents waive service. Heard by consent of parties.

2] Petitioner has approached this Court, being aggrieved by the Order dated 10/7/2015, thereby rejecting the claim of the Petitioner of belonging to "Momin" (OBC).

3] Though the Petitioner has raised various grounds in support of the Petition, we find that the Petition deserves to be allowed only on the short ground. Undisputedly, Petitioner's father has been granted validity of belonging to "Momin" (OBC) by Pune Committee vide order

dated 1/1/2004. Petitioner's father's brother has also been granted validity by the same Committee by order dated 21/11/2011. Perusal of the original record, which has been placed before us, would reveal that though these documents were available with the Committee, the Committee even did not refer to them. Division Bench of this Court in *Apporva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and others*¹ has held that if a close relative of candidate is already granted validity then such a candidate cannot be denied validity. Not only that, now the State Government itself has framed Rules, which provide for the same.

4] In that view of the matter, the impugned order is not sustainable in law and the same is quashed and set aside. It is held and declared that the Petitioner belongs to “Momin” (OBC). Respondent – Committee is directed to issue validity certificate to the Petitioner within a period of four weeks from today. Rule is made absolute accordingly.

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)

¹ 2010(6) Mh.L.J. 401