

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

WRIT PETITION NO. 4889 OF 2016

Ms. Anjum Hazrat Shaikh

... Petitioner.

V/s.

The Divisional Caste Scrutiny
Committee No.1, Solapur & Ors.

... Respondents.

Mr. Surel Sunil Shah, Advocate, for the Petitioner
Ms. Nisha Mehra, Assistant Govt. Pleader for the State -
Respondent Nos. 1 and 2.

**CORAM : B. R. GAVAI AND
SMT. BHARATI H. DANGRE,JJ.**

DATE : FEBRUARY 26, 2018

P.C. :

1 Rule. Rule is made returnable forthwith and, by consent of the parties, heard finally.

2 The Petitioner has approached this court being aggrieved by the order dated 1st April, 2016, by which the claim of the petitioner that she belongs to “Julaha Caste (OBC-57)” has been rejected.

3 The Petitioner has placed on record a certificate of validity granted in favour of her relative one - Shaikh Parvez M. Rafique, on 14.09.2017. The Petitioner also placed on record an affidavit of the father of the petitioner, showing genealogy tree. As per the genealogy, the petitioner is second cousin of Parvez Md. Rafique Shaikh. On the basis of the said documents submitted by the petitioner, the Vigilance Cell enquiry came to be conducted. The Vigilance Cell, upon local investigation as well as entry pertaining to the second cousin of the petitioner found that the petitioner belongs to "Julaha Caste (OBC-57)". It was also found that the forefather of the petitioners' were engaged in the profession of weaving.

3 We find that the petition deserves to be allowed on the two grounds. The blood relative of the petitioner has been granted validity certificate and an affidavit alongwith genealogy has also been placed on record.

4 The Division Bench of this court is **Apoorva d/o. Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee and Ors.** , reported in 2010 (6) Mh. L.J. 401, has held that, if blood relatives of the candidate have been granted validity, the candidate has to be granted validity.

5 Consequently, the Vigilance Cell report also supports the case of the petitioner. No doubt the vigilance cell report is not binding on the Committee, however, if the Committee disagrees with the same, then a hearing needs to be given to the petitioner, as to why Vigilance Cell Report needs to be discarded.

6 In that view of the matter, petition deserves to be allowed. Impugned order is quashed and set aside. It is held that the petitioner belongs to Julaha (OBC-57). The Respondent Committee shall issue the validity certificate to the petitioner within four weeks.

7 All necessary consequences to follow and its compliance shall be made.

(SMT. BHARATI H. DANGRE, J.)

(B. R. GAVAI, J.)

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