

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

WRIT PETITION NO.5618 OF 2015

Kum. Ankita Dilip Kanbargi

..Petitioner

Versus

State of Maharashtra and another

..Respondents

Mr. Manoj A. Patil, Advocate for the Petitioner.

Mrs. Rupali M. Shinde, AGP for Respondent Nos.1 and 2.

CORAM : B. R. GAVAI &

B. P. COLABAWALLA, JJ.

DATE : 8th FEBRUARY, 2018

PC.

1] Rule. Rule made returnable forthwith. Heard by consent.

2] The Petitioner has approached this Court being aggrieved by the order passed by the Respondent No.2 Committee, thereby invalidating the claim of the Petitioner belonging to Sonar, which is recognized as Other Backward Class (OBC).

3] We do not find it necessary to go into the detailed arguments advanced at the Bar, in as much as the Petition deserves to be allowed on two short grounds. The Petitioner's real sister namely Ketaki Dilip Kanbargi has been granted Caste Validity Certificate by the Divisional Caste Scrutiny Committee, Pune vide order dated 31st August 2007. It is nobody's case that the Caste Validity Certificate granted in favour of the Petitioner's real sister is obtained by fraud. The Division Bench of this

Court in the case of Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee and others reported in 2010(6) Mh.L.J. 401, has held that if blood relatives of the candidate have been granted validity, the other blood relatives has to be granted validity. Since the Petitioner's real sister has been granted Caste Validity Certificate, in view of the law laid down in the case of *Apoorva's case (supra)*, the Petitioner also deserves to be granted Caste Validity Certificate.

4] Apart from that the document of the Petitioner's grandfather dated 13th September 1956 would show his caste to be Sonar. The list of OBC has been notified for the first time in 1967. It could thus be seen that the document which is much prior in time, will have more probative value. In the result, Rule is made absolute by quashing and setting aside the impugned order.

I) It is held and declared that the Petitioner belongs to Sonar which is recognized as Other Backward Class.

III) The Caste Validity Certificate be issued in favour of the Petitioner within a period of two weeks from today.

[B. P. COLABAWALLA, J.]

[B. R. GAVAI, J.]