

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7383 OF 2015
WITH
CIVIL APPLICATION NO. 2269 OF 2017

Nihal I. Shaikh ..Petitioner/Applicant
Versus
The State of Maharashtra and ors. ..Respondent

Mr. Prashant Bhavake for the Petitioner/Applicant.
Mr. Vikas Mali, AGP for Respondent Nos.1 and 2.

CORAM : B. R. GAVAI &
B. P. COLABAWALLA, JJ.
DATE : 24th JANUARY, 2018.

PC.

1] The petitioner has approached this Court being aggrieved by the order dated 20th June 2015 passed by respondent No.2 invalidating the claim of the petitioner of belonging to Muslim-Takari, which is recognised as Nomadic Tribes (NT) Category.

2] The petition deserves to be allowed on the short ground. The petitioner's real sister Heena Isaq Shaikh has been granted validity of belonging to Takari, which is recognised as NT category.

3] The Division Bench of this Court in the case of *Apoorva d/o. Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1, Nagpur and ors. reported in 2010(6) Mh.L.J.401* has held that if a close relative of candidate already granted validity certificate, then such candidate cannot be denied validity.

4] Learned counsel for the respondent Nos.1 and 2 on verification of the record pertaining to the grant of validity certificate in favour of the petitioner's sister does not dispute the fact regarding grant of validity issued in favour of Heena, the petitioner's real sister. In that view of the matter, Rule is made absolute by quashing and setting aside the impugned order, respondent No.2 - Scrutiny Committee is directed to issue Caste Validity Certificate by certifying that the petitioner belongs to Takari caste, which is recognized as NT category. The same shall be done within a period of four weeks from today.

5] In view of disposal of the petition, Civil Application No. 2269 of 2017 does not survive and the same is also disposed of.

[B. P. COLABAWALLA, J.]

[B. R. GAVAI, J.]