

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 9455 OF 2017**

Shaikh Shahrukh Ayyub

..Petitioner

Vs.

State of Maharashtra and Others

..Respondents

Mr. Jagdish G. Reddy (Aradwad), for the Petitioner.

Ms. R. M. Shinde, AGP, for Respondent Nos.1 and 2 State.

CORAM:-**B.R.GAVAI & B. P. COLABAWALLA, JJ.**  
DATE :- **FEBRUARY 23, 2018.**

**P. C.:**

Rule. Rule made returnable forthwith. Heard by consent.

2           The Petitioner has approached this Court being aggrieved by the order dated 6<sup>th</sup> February, 2016 passed by the Respondent Scrutiny Committee thereby invalidating the claim of the Petitioner belonging to "Tamboli" which is notified as Other Backward Caste.

3           The Petition deserves to be allowed on a short ground. The Division Bench of this Court in the case of **Apporva d/o Vinay Nichale v/s Divisional Caste Certificate Scrutiny Committee No.1 and Others reported in 2010 (6) Mh. L. J. page 401** has in unequivocal terms held that if the close blood relatives of the candidate have already been granted validity certificate, then, such a candidate cannot be denied validity certificate.

4           In the present case the Petitioner has placed on record the Caste Validity Certificate granted in favour of the Petitioner's cousin brother namely Shaikh Moin Azad (real uncle's son). The Petitioner has also placed on record family tree along with the affidavit of Petitioner's father. The genealogy would reveal that Shaikh Moin Azad is the Petitioner's cousin brother and Azad Shaikh is the real brother of the Petitioner's father.

5           In that view of the matter, when the close blood relatives of the candidate have already been granted validity certificate in view of the law laid down by this Court in the case of **Apporva Nichale**, the same could not have been rejected.

6 Rule is made absolute in the following terms:-

7 (i) The impugned order is quashed and set aside.

(ii) The Petitioner is hereby declared as belongs to "Tamboli"  
which is notified as Other Backward Caste.

(iii) The Respondent Scrutiny Committee shall issue validity  
certificate to the Petitioner within a period of two weeks  
from today.

( B. P. COLABAWALLA, J. )

( B. R. GAVAI, J. )