

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9049 OF 2014
WITH
CIVIL APPLICATION NO. 158 OF 2018

Shri. Shubham R. Shaha ..Petitioner/Applicant
Versus
State of Maharashtra and ors. ..Respondents.

Mr. Shekhar Jagtap i/b J. Shekhar and Co. for the Petitioner/Applicant
Mrs. Rupali M. Shinde, AGP for the Respondent Nos.1 to 3.

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

PC.

- 1] By consent, the petition is taken up for final hearing.
- 2] The petition challenges the order dated 8th August 2014, by which, respondent No.3 invalidating the claim of the petitioner of belonging to Gujar – OBC.
- 3] The petition deserves to be allowed on the short ground. Perusal of the paragraph 8 of the order passed by the respondent No.3 – Scrutiny Committee reveals that the petitioner had already placed on record the Caste Validity Certificates granted in favour of his real sister as well as his cousin brother.
- 4] 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 Caste Validity Certificate, then such candidate cannot be denied validity. It is not in dispute that the petitioner's real sister namely Rucha Rajkumar Shaha has already been granted Caste Validity Certificate vide order dated 2nd July 2010.

5] It is further to be noted that now the State government itself has amended the Rules, which provide that if a close relative of a candidate granted Caste Validity Certificate, then further inquiry should not be done and such a candidate shall be granted Caste Validity Certificate. In the result, the petition is allowed. The impugned order is quashed and set aside. The respondent No.3 Caste Scrutiny Committee is directed to issue Caste Validity Certificate in favour of the petitioner by certifying that the petitioner belongs to Gujar-OBC within a period of four weeks from today.

6] In view of disposal of the main petition, Civil Application No. 158 of 2018 does not survive and the same is also disposed of.

[B. P. COLABAWALLA, J.]

[B. R. GAVAI, J.]