

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

WRIT PETITION NO.3043 OF 2019

|                             |     |              |
|-----------------------------|-----|--------------|
| Smt.Ranjana Dynanoba Masal  |     |              |
| @ Ranjana Janu Tapkir       | ... | Petitioner.  |
| V/s.                        |     |              |
| State of Maharashtra & Ors. | ... | Respondents. |

WITH  
WRIT PETITION NO.3046 OF 2019

|                             |     |              |
|-----------------------------|-----|--------------|
| Navnath Dnyanoba Masal      |     |              |
| V/s.                        |     |              |
| State of Maharashtra & Ors. | ... | Respondents. |

Mr.P.K.Dhakepalkar, Senior Advocate with Mr.Abhinav Chandrachud i/b Mr.J.G. Reddy (Aradwad) for the Petitioners in WP Nos.3043/2019 and 3046/2019.

Mr.Y.S.Jahagirdar, Senior Advocate i/b Mr.S.S.Kanetkar for Respondent No.5 in WP Nos.3043/2019 and 3046/2019.

Ms.K.N.Solunke AGP for the Respondent -State in WP Nos. 3043/2019 and 3046/2019.

**CORAM : R. M. BORDE AND  
N. J. JAMADAR, JJ.**

**DATE : 3RD JULY, 2019.**

P.C.:

1] In both these petitions, the petitioners are objecting to the order passed by the Scrutiny Committee directing cancellation and confiscation of the caste certificate issued to the petitioners by the Deputy Collector, Pune. The scrutiny committee, however, has declared that the petitioners belonged to Hindu-Kunbi caste which is recognized as OBC category. The petitioners, who are related to each other being mother and son were issued caste certificate in the

prescribed proforma by the Deputy Collector, Pune.

2] The caste certificate issued to the petitioners was referred for scrutiny to the Scrutiny Committee and the committee in observance of the procedure prescribed in that behalf has rendered decision on 22nd February, 2019 . So far as the social status of the petitioners belonging to Hindu-Kunbi caste is concerned, since the finding in that regard was positively recorded by the Scrutiny Committee holding in favour of the petitioners and said findings have not been objected by the respondent-intervenor in the matter, the same need not be interfered with. The only objection that has been raised is as regards procedure adopted for issuance of caste certificate in favour of the petitioners. It is recorded by the scrutiny committee in the order that the caste certificate produced by the petitioners before the scrutiny committee for verification cannot be conclusively said to have been issued by the office of the Deputy Collector since the record in that regard is not available for verification. It is not contented by anybody including intervenor-objector that the caste certificate that has been produced for verification is either forged or fabricated or that the same has not been issued by the concerned office. Such adverse inference has been drawn by the scrutiny committee for the reason of unavailability of the record in respect of issuance of the certificates those were produced for verification before the scrutiny committee.

3] Learned Senior Counsel appearing for the

respondent-objector categorically states that his client does not wish to object social status of the petitioners as belonging to Hindu-Kunbi caste. The Scrutiny Committee has also conclusively recorded the finding that the petitioners do belong to Hindu-Kunbi caste and their claim in that regard has been allowed. Their claim as belonging to reserved category OBC has been allowed. Since there is some doubt raised as regards the certificates produced before the Scrutiny Committee for verification by the petitioners, in the facts of the case, it is desirable to permit the petitioners to secure caste certificate from the Competent Authority i.e. Sub-Divisional Officer, Pune and furnish the same to the Scrutiny Committee. If the petitioners tender the application for issuance of caste certificate, certifying as belonging to Hindu-Kunbi OBC category, the concerned Sub-Divisional Officer on receipt of the application without embarking on detailed enquiry in the matter and on the basis of findings recorded by the Scrutiny Committee as regards social status of the petitioners, shall proceed to issue caste certificate in the prescribed form within a period of six weeks from such application having received. The caste certificate shall be produced for verification before the Scrutiny Committee preferably within two months from the date of its receipt. Since the Scrutiny Committee has recorded finding as regards social status of the petitioners, the committee shall after verifying authenticity of the certificate that would be produced by the petitioners before the Scrutiny Committee, shall proceed to issue validation certificate certifying that the petitioners belong to Hindu-Kunbi caste. The Scrutiny Committee shall

take appropriate decision in the matter as expeditiously as possible and preferably within a period of eight weeks from the date of receipt of the proposal/certificate. The legal questions raised in the petitions have not been dealt with in the peculiar facts and circumstances of the case and are specifically kept open for consideration in the appropriate proceedings. Rule is, accordingly, made absolute. There will be no order as to costs.

**(N. J. JAMADAR, J.)**

**(R. M. BORDE, J.)**