

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

977 WRIT PETITION NO.6956 OF 2021

**SUREKHA ASHOK SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. A. S. Golegaonkar, Advocate h/f Mr. M. A. Golegaonkar, Advocate
for the petitioner

Mr. S. G. Karlekar, AGP for the respondent/State.

**CORAM : S. V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.**

DATED : 25-06-2021

PER COURT :-

1. The petitioner had obtained the caste certificate in her marital name. The proposal was submitted for verification. The respondent-Scrutiny Committee did not entertain the proposal and disposed it of without going in to the merits of the case only on the ground that the tribe certificate of the petitioner is prima facie technically not correct.

2. Mr. Golegaonkar, learned counsel for the petitioner refers to the judgment dated 24/11/2015 in Writ Petition No. 6620/015 to contend that this Court has held that obtaining caste certificate in the marital name is not illegal and the same is also permissible.

3. The learned AGP appears for all the respondents. Learned AGP upon being confronted with the judgment of this Court dated 24/11/2015 in Writ Petition No. 6620/2015 accedes to the

proposition that the caste certificate obtained in the marital name is permissible. However for proving her caste, the evidence of her maternal/parental relations only will have to be considered.

4. We have gone through the judgment dated 24/11/2015 in Writ Petition No. 6620/2015. In the said judgment the Division Bench of this Court held that there is no prohibition to obtain the caste certificate in the marital name. In view of that the impugned order is quashed and set aside.

5. The Committee may insist upon the evidence from the petitioner of her paternal side to prove her caste claim and the evidence on her husband side may not be relevant to prove her caste.

6. The petitioner may appear before the Committee on 12/07/2021. The Committee shall decide the validation proceeding of the petitioner on its own merits, considering the evidence laid by the petitioner of paternal relations.

7. The writ petition is disposed of. No costs.

(M. G. SEWLIKAR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE