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

WRIT PETITION NO. 218 OF 2021

Kum. Aleem Arooba Khanum A. Lateef ... Petitioner

V/s.

State of Maharashtra and Ors. ... Respondents

Mr. J.G. Aradwad (Reddy) for the Petitioner
Ms. P.J. Gavhane, AGP for the Respondent - State

***CORAM : SUNIL B. SHUKRE &
G.A. SANAP, JJ.***

DATE : 22 MARCH 2022

P.C. :-

Heard the learned Counsel for the parties.

2. Rule. Rule made returnable forthwith. Taken up for final disposal by consent of learned Counsel for the parties.

3. We find that the reasons given in the impugned order for rejecting the validity certificate existing in the paternal family of the Petitioner as not tenable in law. The Petitioner has relied upon the caste validity certificate issued by the Scrutiny Committee to Aleem Naveed Abdul Rauf, the paternal cousin of the Petitioner. The Scrutiny Committee did not say that Aleem Naveed Abdul Rauf was

the person not related to the Petitioner but the Scrutiny Committee rejected the validity certificate issued to Aleem Naveed Abdul Rauf on the ground that it cannot be considered as offering any proof to the caste claim of the Petitioner. The Scrutiny Committee has also not found the validity certificate issued to Aleem Naveed Abdul Rauf as vitiated by fraud or misrepresentation of material facts or suppression of facts. Ignorance of validity certificate issued to any paternal relative of the claimant is permissible, as held in the case of *Apoorva d/o. Vinay Nichale v/s. Divisional Caste Certificate Scrutiny Committee and Ors. (2010) 6 Mh.L.J. 401*, when the caste certificate is obtained by playing fraud or misrepresentation of material facts or suppression of facts, which is not the case here.

4. In the result, we find that the impugned order cannot be upheld by us and therefore, it is hereby quashed and set aside by allowing this Petition.

5. We direct the Respondent No.2 – Scrutiny Committee to issue caste validity certificate to the Petitioner, as the Petitioner belonging to Julaha (OBC) caste, within a period of four weeks from the date of receipt of the copy of the order.

6. Rule is made absolute in the above terms. No costs.

G.A. SANAP, J.

SUNIL B. SHUKRE, J.