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

WRIT PETITION NO.161 of 2019

Rachana Satish Phappe

..... Petitioner

Vs.

The State of Maharashtra and Ors.

..... Respondents

Mr. Srikrishna R. Ganbavale for the Petitioner

Smt.M.P.Thakur, A.G.P. for the State

**CORAM: S.V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : JULY 28, 2022

P.C.

1 Rule.

2 Rule is made returnable forthwith. By consent of both the parties, the matter is taken up for final disposal.

3 The Petitioner had applied for validation of her caste claim as belonging to “Mahar” Scheduled Caste. The said caste claim is invalidated. Aggrieved thereby, the present Writ Petition.

4 The learned Counsel for the Petitioner submits that the caste

claim of the father of the Petitioner was also invalidated. He had filed Writ Petition No.8536 of 2018 before this court. The Division Bench of this court under judgment and order dated 14.02.2019 set aside the judgment of the Committee and remitted the matter to the Committee. The judgment of the Committee invalidating the caste claim of the father of the present petitioner is the same. In fact the judgment appears to be similar based on the same facts. After the matter was remitted by this court, the Scrutiny Committee allowed the caste claim of the father of the Petitioner and granted validity to the father of the Petitioner as belonging to “Mahar” Scheduled Caste.

5 One of the reasons mentioned by the Committee while invalidating the caste claim of the Petitioner is that the Petitioner belongs to border area of Maharashtra and Karnataka. The Government of Maharashtra has taken a policy decision that those Marathi speaking persons residing in 865 border villages are to be given the caste certificate.

6 The Petitioner belongs to one of such 865 villages. Name of the village of the Petitioner is also appended to the said Circular.

7 In light of the above, as the father of the Petitioner is already

granted Caste Validity Certificate after the matter was remanded by this court and the earlier judgment of the scrutiny committee in the case of father of the Petitioner and the present judgment is based on the same documents and same facts and also the documents on record of pre-constitutional era record the caste as Hindu Mahar. the Petitioner is also entitled for validity certificate.

8 In light of the above, the impugned judgment is quashed and set aside.

9 Committee shall issue Validity Certificate to the Petitioner of Mahar Scheduled Tribe within four weeks.

10 Rule is made absolute.

11 Writ Petition is disposed of . No costs.

(S. M. MODAK, J.)

(S.V. GANGAPURWALA, J.)