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

WRIT PETITION NO. 10328 OF 2022

Kum. Shravani Satish Patil, minor
through her father and natural guardian ... Petitioner

Vs.

State of Maharashtra & Ors. ... Respondents

Mr. Chintamani K. Bhangoji, for the Petitioner.

Smt. P. N. Diwan, AGP for the State - Respondent Nos.1 to 3.

**CORAM: NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATE: DECEMBER 09, 2022

P.C.:-

1. Heard.
2. The order impugned is passed by respondent No.2-District Caste Certificate Scrutiny Committee whereby the prayer for validity made by the petitioner qua the caste Chawkalshi is invalidated. Admittedly the said caste falls within the ambit of OBC Category.
3. So as to substantiate the claim of issuance of validity, Mr. Bhangoji, learned counsel for the petitioner has relied on the fact about production of the validity issued in favour of real brother of the

petitioner Suneet Satish Patil on 26 March, 2012. According to him, in view of provisions of clause (h) of Rule 16 of the Maharashtra Scheduled Castes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012, the contentions are that the aforesaid validity certificate was already uploaded and no objection was raised to such validity. As such, according to him, apart from the fact that the said validity certificate of real brother of the petitioner is not considered or dealt with in the impugned order, the committee should have been equally sensitive to the fact that the validity issued in favour of the real brother of the petitioner was not objected. As such, according to him, the order impugned is not sustainable.

4. The learned AGP has tried to substantiate the order based on the caste entries in relation to father and grandfather which are of 1967 and 1933.

5. Be that as it may, upon consideration of the contentions raised by the petitioner, what can be noticed is that the real brother of the

petitioner Mr.Suneet holds a validity of the very same caste for which the validity is claimed by the petitioner. Such document i.e. a validity certificate of blood relation has highest probative value and it is incumbent on the part of the committee to effectively deal with such document. In case the committee intend to come to different view in the matter for invalidation of the caste claim of the petitioner, the committee in such an eventuality is armed with a power to take out proceedings for cancellation of validity issued in favour of blood relation. Admittedly, in the case in hand, the validity certificate issued in favour of Suneet, brother of the petitioner way back on 25 March, 2012 still holds the field. The brother of the petitioner has already availed the benefit under the said certificate.

6. In the aforesaid backdrop, it is illegal on the part of the committee not to deal with the validity certificate of blood relation just because it is inconvenient to do so.

7. As the order impugned dated 26 April, 2022 passed by the respondent-committee is not sustainable, hence same is quashed and set aside. The petition stands allowed in the above terms.

8. The petitioner assures that he shall appear to the committee on 22 December, 2022. We expect the committee to deal with the claim of the petitioner in the light of above observations, as expeditiously as possible and in any case, within a period of three months from the date of appearance of the petitioner.

[SHARMILA U. DESHMUKH, J.]

[NITIN W. SAMBRE, J.]