

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1034 OF 2021

1. Harun Habib Rarani,
aged about 64 years, Occupation – Business,
2. Hamza Harun Rarani,
aged about 19 years, Occupation – Student,
Both r/o Village Chandur Railway,
Tahsil Chandur Railway, District Amravati. ... PETITIONERS

// VERSUS //

District Caste Scrutiny Committee,
through its Chairman, Amravati. ... RESPONDENT

Shri. Abdul Subhan, Advocate for petitioners.
Shri. N. R. Pati, AGP for the respondent.

**CORAM : SANDEEP K. SHINDE AND
MRS. VRUSHALI V. JOSHI, JJ.
DATED : 21/11/2022**

ORAL JUDGMENT : [PER: SANDEEP K. SHINDE, J.]

1. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2. The challenge in this petition, is to order dated 25.07.2019 passed by the District Caste Scrutiny Committee, Amravati *inter alia* invalidating the claim of the petitioner for “Kachi” – Other Backward Class category, as notified, on 13.10.1967. The Committee while invalidating the caste claim, appears to have made efforts to distinguish, caste “Kachi” and “Kacchi”; however, we need not go into the findings

recording by the Committee on that aspect, for the simple reason that petitioner's real sister's claim for the Kachi has been validated on 18.07.2013, which committee has not found, tainted by fraud or granted without jurisdiction. In context of facts of the case and issue, the learned counsel for the petitioner relies on the decisions in ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee, 2010(6) Mh.L.J. 401*** and ***Sangita Madan Ingle Vs. Vice Chairman/Joint Commissioner, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and another, Writ Petition No.1009 of 2017***, to contend that in absence of findings regarding broad mis-representation in issuance of caste validity certificate in the name of blood relatives, there cannot be different conclusion than one that the petitioner is entitled to get the validity certificate in her favour.

3. In view of the above, we set aside the impugned order dated 25.07.2019 and direct the District Caste Scrutiny Committee, Amravati to issue validity certificate to the petitioners.

4. Rule is made absolute in aforesaid terms.

5. Petition is disposed of.