

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5999 OF 2004

Subhash s/o Ramrao Illarkar,
aged about 32 years, Occ. Sarpanch,
r/o At Gomedhar, Po. Uti,
Tah. Mehkar, Dist. Buldhana

... Petitioner

-vs-

Divisional Social Welfare Officer
Scrutiny Committee, Social Welfare
Department, Amravati

... Respondent

Smt S. W. Deshpande, Advocate for petitioner.
Ms K. R. Deshpande, Assistant Government Pleader for respondent.
Ms Aditi Panpalia, Advocate h/f Shri Anand Jaiswal, Senior Advocate for
Intervenor.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : July 07, 2022.

Oral Judgment : (Per A. S. Chandurkar, J.)

The challenge raised in this writ petition is to the order dated 18/10/2004 passed by the Scrutiny Committee, Amravati invalidating the claim of the petitioner of belonging to 'Khatik (Scheduled Caste).

During pendency of the writ petition various blood relatives of the petitioners have been issued validity certificates. The petitioner has filed additional affidavit dated 04/07/2022 in which it has been stated that the petitioner's brother Shamrao as well sister Jyoti have been issued validity certificate by the Scrutiny Committee at Amravati. It is also stated that similar validity certificates are issued to other relatives

also. The petitioner has sought to rely upon Government Resolution dated 22/08/2007 to urge that since the Scrutiny Committee has issued validity certificate to the petitioner's blood relatives, the petitioner is also entitled to such validity certificate.

3. Though the learned Assistant Government Pleader for the respondent sought to rely upon the affidavit in reply filed on behalf of the Scrutiny Committee, on being confronted with the additional affidavit filed by the petitioner, it is submitted that the Court could consider the matter in the light of Government Resolution dated 22/08/2007.

4. We find that the petitioner's brother and sister along with other relatives have been issued validity certificate. Applying the law laid down in the case of *Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and ors.* **2010 (6) Mh.L.J. 401**, we find no reason to deny such benefit to the petitioner.

For aforesaid reasons the order passed by the Scrutiny Committee dated 18/10/2004 is set aside. It is declared that the petitioner belong to 'Khatik' (Scheduled Caste). The Scrutiny Committee at Buldhana where the jurisdiction now stands transferred shall issue validity certificate to the petitioner within a period of eight weeks from

production of copy of the judgment.

Civil Application No.295/2005 is not required to be adjudicated on account of passage of time. Same stands disposed of accordingly.

Rule is made absolute in aforesaid terms with no order as to costs.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)

Asmita