

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

WRIT PETITION (WP) NO. 4769/2021

1. Ms. Vidya alias Vidhyabai
d/o Late Shri Digambarrao Khobrekar
(Maiden Name) Age about 55 years,
Occupation : Service
R/o Krishnapura Ward, Gondia,
Dist- Gondia, Maharashtra,
Presently Residing at Flat No. 103,
B.R. Apartment, Near Raghvendra Orthopedic
Hospital, Opp, Ashish Garden Malani Colony,
New Bowenpally, Hyderabad – 500009, Telengana.
Mob No. 9403356280/8668313943
Mail : vidyakhobrekar2gmail.com
2. Master Manas Vidya Khobrekar,
Aged about 17 years,
Occupation – Student,
Represented through natural guardian
and mother Petitioner No. 1. PETITIONER(S)

// VERSUS //

1. State of Maharashtra,
Through its Secretary,
Social Justice and Special Assistant Department,
Mantralaya, Mumbai, Maharashtra – 400032.
Email: sec.socjustice@maharashtra.gov.in
Phone 022-22026688, 22793861
Mobile No. 9422273210
2. The District Collector, Gondia,
Maharashtra, PIN – 441601.
Email: collector.gondia@maharashtra.gov.in
Phone: 07182236149
Mobile No. 8698507777
3. The Sub Divisional Officer, Gondia
(Caste Certificate Issuing Authority)

SDO Office, New Prashaskeey Bhavan,
Gondia, Dist – Gondia, Maharashtra,
PIN- 441601.

Email : sdogon123@gmail.com

Mobile No. 9421088540

4. District Caste Scrutiny Committee,
Gondia, Dist – Gondia, Maharashtra,
PIN- 441601.

Email : devegondiya@gmail.com

Phone : 07182230050

5. The Secretary, National Commission for Scheduled
Castes 5th Floor, Loknayak Bhavan Khan Market,
New Delhi- 110003.

Email : secretary-ncsc@nic.in

Phone No. 011 24690334

6. Shri Mathuradas Mohta College of Science,
Sakkardara Chowk, Nagpur.

.... RESPONDENT(S)

Ms. Vidya Khobrekar, petitioner no.1-in-person

Miss. Nivedita P. Mehta, AGP for respondent nos. 1 to 4/State

None for respondent no. 6

**CORAM : A. S. CHANDURKAR AND
SMT. M.S. JAWALKAR, J.J.**

DATED : 27/01/2022

ORAL JUDGMENT : (PER:- A. S. CHANDURKAR, J.)

Rule. Rule made returnable forthwith. Heard the petitioner no.1-in-person and Miss. Nivedita P. Mehta, learned Assistant Government Pleader for respondent nos. 1 to 4.

2. The petitioner no. 1 claims that she was married to one Deeprakash Moharsingh on 10.10.2001. However, on account of

matrimonial discord her marriage came to be dissolved in the year 2007. As a result, the petitioner no. 2 who was born out of aforesaid wedlock was raised by petitioner no. 1. Petitioner no. 1 claims to belong to “Mahar” Scheduled Caste and had applied for issuance of Caste Certificate for petitioner no. 2 before the Sub Divisional Officer, Gondia on 03.04.2018. Alongwith that application various documents in support of the caste claim were filed. It appears that the Sub Divisional Officer on 14.05.2020 proceeded to reject the application for grant of Caste Certificate as no documents from the father’s side were filed. In the said order, it was stated that if the petitioner was aggrieved, an appeal could be filed before the Caste Scrutiny Committee.

3. Being aggrieved, the petitioners have challenged the aforesaid communication and by relying upon the decision in Rameshbhai Dabhai Naika Vs. State of Gujrat and others in Civil Appeal No. 654/2012 decided on 18.01.2012 has prayed that appropriate directions be issued to the Sub Divisional Officer to issue Caste Certificate on the basis of her documents submitted before the said authority.

4. After notice was issued in the writ petition, reply has been filed on behalf of respondent no. 4 in which it has been stated that no appeal is maintainable before the Scrutiny Committee for challenging

the order of the nature passed by the Sub Divisional Officer.

5. On hearing the petitioner no. 1-in-person and the learned Assistant Government Pleader for respondent nos. 1 to 4 and after perusing the earlier orders passed by this Court in Writ Petition No. 4905/2018 (Anchal d/o Bharati Badwaik Vs. The District Caste Scrutiny Committee, Nagpur and ors.) decided on 08.04.2019 and in Writ Petition No. 1737/2018 (Ku. Noopur D/o Prashant Ambre Vs. The Schedule Tribe Caste Certificate Scrutiny Committee) decided on 08.07.2019, it is apparent that similar issue arising herein has been considered by this Court and after referring to the judgment of the Hon'ble Supreme Court in Rameshbhai Naika (*supra*) directions have been issued to the Scrutiny Committee to verify the claim as made before it on the basis of documents submitted from the mother's side.

6. In the facts of the present case, we find that since 2007, the petitioner no. 1 and her son are staying separately as a result the marriage of petitioner no. 1 having been dissolved. According to petitioner no. 1, she has brought up her son and on the strength of her documents seeks a Caste Certificate to be issued to her son. The request as made before the Sub Divisional Officer has been rejected. We find that similar issue having been decided by this Court by the aforesaid judgments, the prayer made in the present writ petition can be granted

for the reasons mentioned in the said judgments. In that view of the matter, the following order is passed:

(i) The respondent no. 3/the Sub Divisional Officer, Gondia shall consider all documents submitted by petitioner no. 1 for issuance of Caste Certificate to petitioner no. 2 on the basis of his mother's documents. The petitioner no. 1 is at liberty to place on record additional documents in support of such claim.

(ii) The Sub Divisional Officer, Gondia shall consider all such documents and take an appropriate decision in the matter of issuance of Caste Certificate to petitioner no. 2 within a period of four weeks from presentation of the copy of this order.

(iii) Further, if petitioner no. 2 seeks verification of his claim, the Scrutiny Committee is free to adjudicate the same in accordance with law.

7. With these directions, the writ petition is allowed and disposed of. Rule accordingly. No costs.

JUDGE

JUDGE