

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

WRIT PETITION NO.3818/2022

Sikandar Shah Gaffar Shah,
aged about 42 Yrs., Occ. Agriculturist,
R/o Near Bus Stop, Ward No.15,
Tq. Karanja (Ghadge), Dist. Wardha. ... Petitioner

- Versus -

District Caste Certificate Scrutiny
Committee, Wardha, Social Justice
and Special Assistance Department,
State of Maharashtra, through its
Member Secretary, Dr. Babasaheb
Ambedkar Social Justice Complex,
Near Mahila Ashram, Laxmi Nagar,
Sewa Gram Road, Railway Station Road,
Wardha. ... Respondent

Mr. O.A. Ghare, Advocate for the Petitioner.

Mrs. S.S. Jachak, Assistant Government Pleader for the
Respondent.

CORAM : A.S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE : 4.8.2022

ORAL JUDGMENT (Per A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith and heard the
learned counsel for the parties.

2. The challenge in this writ petition is to the order passed by the Scrutiny Committee on 29.6.2022 thereby invalidating the claim of the petitioners daughter of belonging to *Chhaparband VJ (A)*. *Inter alia*, it is submitted by the learned counsel for the petitioner that various blood relatives have been issued validity certificates pursuant to adjudication by this Court. Inviting attention to the orders passed in Writ Petition Nos.5279/2017 (Riyaz Rashid Shah V/s. The District Caste Scrutiny Committee Wardha and another), 1399/2012 (Shri Abdul Ramiz Razzak Shaha V/s The Chairman of Divisional Caste Certificate Scrutiny Committee No.1, Nagpur and another) and 5163/2018 (Ms. Iftesam D/o Rajjak Shaha V/s. The State of Maharashtra and another) it is submitted that these validity holders are blood relatives of the petitioner. Placing reliance on the decision in *Apoorva D/o Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee No.1 and others* reported in **2010(6) Mh. L.J. 401** it is submitted that the petitioner is entitled for similar benefit.

3. Perusal of family tree that was taken into consideration by the Vigilance Cell does not indicate that names of these blood relatives figure therein. That is the reason why the Scrutiny Committee has observed in the impugned order that the petitioner's relationship with those validity holders is not clear. The learned counsel for the petitioner has invited attention to the family tree in paragraph 3 of the writ petition which contains names of the validity holders.

4. In view of the aforesaid facts, we find that it would be for the petitioner to prove the relationship with those validity holders on whose certificates reliance is sought to be placed. Since the petitioners daughter seeks issuance of validity and she is pursuing her higher education we are inclined to grant one opportunity to the petitioner to substantiate the relationship with those validity holders.

5. Hence for aforesaid reasons and to facilitate reconsideration of the petitioners daughters claim the order dated 29.6.2022

passed by the Scrutiny Committee is set aside and it is directed that Scrutiny Committee shall consider the petitioners daughters claim of belonging to *Chhaparband VJ(A)* by permitting her to submit a fresh family tree alongwith validity certificates. To facilitate such adjudication, the petitioner shall appear before the Scrutiny Committee on 17.8.2022. Since the petitioners daughter is a student the Scrutiny Committee shall, within a period of three months from the first date of the proceedings, complete the process of adjudication. Keeping points raised in the petition open, it is allowed in the aforesaid terms and disposed of. Rule accordingly. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)