

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

WRIT PETITION NO.4092/2022

Vaibhav s/o Vijay Kurwade,
 aged 19 years, Occ. Education,
 r/o Vijay Niwas, Near Nanankchand
 Shop, Hanuman Mandir Road,
 Dharampeth, Nagpur – 440 010
 Mobile No. 9527973997.

.....PETITIONER

..V E R S U S..

1. State of Maharashtra, through
 Secretary, Department of Social
 Justice and Special Assistance,
 Mantralaya, Mumbai – 32.
2. Divisional Caste Certificate
 Scrutiny Committee, Amravati,
 through its Chairman, New
 Commissioner Office, Maltekadi Road,
 Amravati – 444 6060.

...RESPONDENTS

 Ms S. W. Deshpande, Advocate for petitioner.

Ms T. Udeshi, Assistant Government Pleader for respondents.

CORAM:- A. S. CHANDURKAR & ANIL L. PANSARE, JJ.

DATED :- 23.11.2022

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

Rule. Rule is made returnable forthwith. Heard finally
 by consent of learned counsel for the parties.

2. The challenge raised in this writ petition is to the order
 dated 31.02.2022 passed by Scrutiny Committee, invalidating the
 claim of the petitioner of belonging to 'Hatkar NT-C'.

3. It is not in dispute that the petitioner's two sisters Megha and Aishwarya have been issued validity certificates by the Scrutiny Committee. The same have not been taken into consideration on the ground that there was a statement of her father that his relatives belong to 'Hadgar' and 'Koshti' communities while in his document the caste was mentioned as 'Lingayat Wani'.

4. Ordinarily, the Scrutiny Committee is presumed to have considered all relevant documents while issuing validity certificates to the sisters of the petitioner. It is not the case of the Scrutiny Committee that earlier the certificates were obtained by practicing fraud or misrepresentation. As long as those validity certificates operate, the petitioner is entitled to seek benefit of grant of those validity certificates in the backdrop of the law laid down by this Court in Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Others¹.

5. In that view of the matter, we find that the petitioner is entitled to be issued a validity certificate of belonging to 'Hatkar, NT-C'. For said reason, the order passed by the Scrutiny Committee on 31.01.2022 is set aside. The Scrutiny Committee

1 2010 (6) Mh. L. J. 401

shall, within a period of three weeks of producing a copy of the judgment, issue validity certificate to the petitioner. Till the validity certificate is issued, the petitioner can rely upon copy of the judgment to indicate that it has been directed to issue validity certificate.

Rule is made absolute in the above terms. No order as to costs.

(Anil L. Pansare, J.)

(A. S. Chandurkar, J.)

kahale