

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

WRIT PETITION NO. 2893/2021

Gauri d/o Manda Ganthade,
Aged about 16 years, Occ.-Student,
as the petitioner is minor thus through its
natural guardian i.e. mother Manda d/o Ramdas Ganthade,
Aged about 45 years, Occ.-Service,
R/o. Plot No.122, Radhakrishna Nagar,
Hudkeshwar Road, Ashirward Nagar,
Nagpur-440 024.

..... **PETITIONER**

...V E R S U S...

- 1] The District Caste Scrutiny Committee, Yavatmal,
through its President Office at
Dr.Babasaheb Ambedkar Social Justice Bhavan,
Kalaswadi Camp, Daravha Road, Yavatmal.
- 2] The Collector, Yavatmal,
Office at Civil Lines, Yavatmal.

..... **RESPONDENTS**

Shri Alok Daga, Advocate for petitioner.
Ms. H.N.Jaipurkar, Assistant Government Pleader for respondents.

CORAM : A.S.CHANDURKAR and G.A.SANAP, JJ.
DATE : 18th FEBRUARY, 2022.

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

Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2. The petitioner seeks to avail benefits on the basis of caste of her mother. This is for the reason that shortly after the petitioner's birth on 24.09.2004, there were dispute between her parents after which the petitioner has been brought up by her mother. It is the further case of the petitioner that her mother has been issued validity certificate of belonging to 'Kunbi' Other Backward Class (OBC). The request made by the petitioner for issuance of caste certificate was not accepted by the Sub-Divisional Officer, Yavatmal on the ground that the documents furnished by the petitioner were that of her mother and not of her father. The petitioner has thus approached this Court praying that the Authority be directed to issue a caste certificate to the petitioner on the basis of documents of her mother.

3. We have heard the learned counsel for the petitioner as well as the learned Assistant Government Pleader for the respondents, who has relied upon the affidavit in reply filed by the respondent no.1. It is seen that a similar issue has been considered by this Court in **Writ Petition No.1737/2018** (*Ku.Noopur d/o Prashant Ambre Vs. The Schedule Tribe Caste Certificate Scrutiny Committee, Amravati and another*) wherein it was held that it would be permissible to seek issuance of caste certificate on the basis of documents of the mother.

4. We find that the ratio of the aforesaid decision would be applicable to the case in hand. It is however submitted by the learned Assistant Government Pleader that all the necessary documents would have to be submitted by the petitioner to the competent Authority which is the Sub-Divisional Officer for issuance of caste certificate. Thereafter the petitioner can seek validity of that caste certificate, if it is issued.

5. Accordingly, the following directions are issued:

(1) The petitioner is permitted to make a fresh application for grant of caste certificate by relying upon the documents of her mother. Such application is made to the competent Authority which is the Sub-Divisional Officer, Yavatmal.

(2) The application if made shall be considered by the Sub-Divisional officer in accordance with law. Thereafter if the caste certificate is issued, the petitioner can seek verification of her caste claim for issuance of validity certificate in accordance with law.

Rule is made absolute in aforesaid terms. No costs.

(G.A.SANAP, J.)

(A.S.CHANDURKAR, J.)

Andurkar..