

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

WRIT PETITION NO.5553/2013

Swapnil s/o Nandkishor Khande,
aged about 24 years, Occ. Student,
r/o Chaitanyawadi, Malkapur,
Tq. Malkapur, Dist. Buldhana.

.....PETITIONER

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

1. The State of Maharashtra through
its Principal Secretary, Social Welfare
and Cultural Affairs Department,
Mantralaya, Mumbai-32.
2. The Divisional Caste Scrutiny Committee,
Amravati Division, Amravati, through
its Member Secretary.
3. G. H. Raison Institute of Management
Studies, through its Principal,
Anjangaon Bari Road, Amravati,
Tq. Dist. Amravati.
4. Sant Gadgebaba Amravati Univesity
through its Registrar, Amravati,
Tah. Dist. Amravati.

...RESPONDENTS

Mr. Anand Deshpande, Advocate for petitioner.
Mr. N. S. Rao, A.G.P. for respondent nos. 1 and 2.
Mr. B. G. Kulkarni, Advocate for respondent no.3.

CORAM:- ROHIT B. DEO & ANIL L. PANSARE, JJ.
DATED :- 18.08.2022

JUDGMENT (Per: Anil L. Pansare, J.)

This Court has admitted the present petition on 17.10.2013. Heard learned counsel for the parties.

2. The petitioner has prayed for the following reliefs:

“(a) Quash and set aside the impugned order dated 19.03.2013 passed by respondent no2-Scrutiny Committee, Amravati Division, Amravati (Annexure-A)

(b) Command the respondent no.2-Scrutiny Committee to grant caste validity certificate to the petitioner holding that the petitioner is member of Other Backward Caste.”

3. We have considered the rival submissions. We have also gone through the impugned order. According to the petitioner, he belongs to caste “Wani”, which is included in the Other Backward Classes (OBC) category and is included in the Constitution (Scheduled Castes) Order, 1950. The petitioner has submitted pre-Constitutional documents in

respect of his caste claim which includes the document of the year 1917. It is a copy of birth, age, death extract register in respect of the great-grandfather of the petitioner showing caste as Wani. The other document is dated 23.10.1947, which is copy of birth/death extract register in respect of the grandfather of the petitioner as belonging to Wani. The committee has ignored these documents on the ground that other documents furnished by the petitioner indicate that caste of the relatives is recorded as “Lingayat Wani”, “L.Wani”, etc. The caste claim of the petitioner has been invalidated by a majority of 2:1, by the Committee.

4. The petitioner has brought on record a further development in the form of Government Resolution dated 04.09.2014 issued by the Government of Maharashtra. It refers to the recommendations made by the Maharashtra State Backward Class Commission. By the said resolution, “Lingayat Wani”, “Lingayat Tamboli” have been included at Sr.No.190 in the OBC category. Thus, as on today, the castes; Wani, Tamboli, Lingayat Wani and Lingayat Tamboli

are all included in the OBC category. The respondent no.2-Committee itself has recorded a finding that the document of blood relatives submitted by the petitioner refers to caste “Wani”, “Lingayat Wani”, “L.Wani”, etc., which are included in OBC category. There is, thus, no reason why the impugned order should not be set aside.

5. In the result, the writ petition is allowed in terms of prayer clauses (a) and (b).

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

(Anil L. Pansare, J.)

(Rohit B. Deo, J.)

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