

1

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

WRIT PETITION NO.8381 OF 2019

Ku.Avanti Malti Upadhye,
Aged about 17 years, occupation student,
Through Natural Guardian Mother
Ku.Malti d/o Haridasji Upadhye,
Aged about 54 years, occupation service,
R/o Pragati Colony, Water
Filtration Plant Road, Sendurwafa
(Sakoli), District Bhandara. **Petitioner.**

:: V E R S U S ::

District Caste Certificate Scrutiny
Committee, Wardha, through its Chairman. **Respondent.**

=====
Shri S.R.Narnaware, Counsel for the Petitioner.
Ms N.P.Mehta, Assistant Government Pleader for the Respondent.
=====

CORAM : **A.S.CHANDURKAR & URMILA JOSHI-PHALKE, JJ.**
DATE : **JUNE 27, 2022**

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

1. Heard Shri S.R.Narnaware, the learned counsel for the petitioner and Ms N.P.Mehta, the learned Assistant Government Pleader for the respondent. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

2. The petitioner has challenged the order passed by the Scrutiny Committee on 31.10.2019 whereby refusing to issue Validity Certificate to the petitioner on the ground that the petitioner failed to submit documents of her father for the purposes of verification.

.....2/-

2

3. The parents of the petitioner married on 12.1.2001. After petitioner's conception, her parents mutually separated by obtaining divorce on 29.12.2001. The petitioner was born on 21.5.2002 and was brought up by her mother. The petitioner was issued the Caste Certificate on 24.7.2019 bearing the name of her mother. When the petitioner sought verification of the said Caste Certificate of belonging to 'Mahar' Scheduled Caste, the Scrutiny Committee held that since the petitioner failed to supply documents of her father, it was not possible to grant the Validity Certificate. It, therefore, proceeded to invalidate the Caste Certificate. Being aggrieved, the petitioner has challenged the said order.

4. Shri S.R.Narnaware, the learned counsel for the petitioner submits that the petitioner's mother has been issued Validity Certificate by the Scrutiny Committee on 29.10.2013. Since the petitioner was not in possession of the documents pertaining to her father, this Court has directed the Scrutiny Committee to conduct an enquiry with regard to the school record of the petitioner's father. This was done and as per the report dated 20.7.2021 the Vigilance Cell has found that even the petitioner's father belongs to 'Mahar' Scheduled Caste. It is submitted that the order of the Scrutiny Committee is liable to be set aside and the Validity Certificate deserves to be issued in favour of the petitioner.

5. The learned Assistant Government Pleader Ms

3

N.P.Mehta for the respondent has referred to the affidavit-in-reply and has submitted that the prayer for issuance of Validity Certificate would be required to be considered in the light of the petitioner's father documents.

6. It is undisputed that when the petitioner was born, her parents had already divorced. The petitioner was brought up by her mother who has been issued Caste Validity Certificate on 29.10.2013. Perusal of the order dated 24.2.2021 passed by this Court indicates that the Scrutiny Committee was directed to carry out an enquiry with regard to the school record of the petitioner's father. The same has been done and as per that report even the petitioner's father belongs to 'Mahar' Scheduled Caste. In this factual backdrop, we do not find any reason for denying the petitioner's Validity Certificate indicating that she belongs to 'Mahar' Scheduled Caste. Her mother having been issued the Validity Certificate and the Scrutiny Committee having found that the petitioner's father also belongs to the same caste, the following order is passed:

ORDER

(1) The writ petition is allowed.

(2) The order passed by the Scrutiny Committee dated 31.10.2019 invalidating the petitioner's caste claim is set aside.

4

(3) It is directed that the Scrutiny Committee shall issue the Validity Certificate to the petitioner in terms of her Caste Certificate dated 24.7.2019 which bears name of the petitioner "Kumari Avanti Malti Upadhye". The same be done within a period of four weeks from the production of this judgment before the Scrutiny Committee.

The writ petition is allowed. Rule is made absolute in aforesaid terms with no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

!! BrWankhede !!

**BHUSHAN
RANA
WANKHEDE**

Digitally signed
by BHUSHAN
RANA
WANKHEDE

Date:
2022.06.29
18:29:37 +0530