

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1948 OF 2023

1. **MANAS PANKAJ AHIRWAL,**
Age-18 Yrs, Occ. Student
2. **MAHIKA PANKAJ AHIRWAL,**
Age-18 Yrs, Occ. Student
Both Residence of: Flat No. 301, A-
Wing, Jai Sai Mahima Apartment,
Uttan Road, Near Police Station Road,
Bhayander (W), Thane-401 101

...Petitioners

~ VERSUS ~

1. **THE STATE OF MAHARASHTRA**
2. **DISTRICT CASTE CERTIFICATE
SCRUTINY COMMITTEE,
PALGHAR,**
Having office at-Plot No. 106, B-wing,
2nd floor, Aafrin Apartment, Navali
Railway Crossing Road,
Dist Palghar 401 404.

...RESPONDENTS

SHEPHALI
SANJAY
MORMARE

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SHEPHALI
SANJAY
MORMARE
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APPEARANCES

FOR THE PETITIONER

**Mr AK Shukla, with Aarti
Bhandari.**

FOR RESPONDENT-STATE

Mr NC Walimbe, AGP.

**CORAM : G.S.Patel &
Neela Gokhale, JJ.**

DATED : 28th March 2023

ORAL JUDGMENT (Per GS Patel J):-

1. **Rule.** Rule returnable forthwith. The Petition is taken up for hearing and final disposal.

2. This Petition assails two orders dated 8th March 2022 of the District Caste Scrutiny Committee, Palghar rejecting the Petitioners' claim for a validity certificate. Both Petitioners claim to be of the Hindu Chamar Caste.

3. The Committee rejected the claims based on what appears to be nothing more than an accident of geography. The finding at page 26, and it is a solitary finding, is an answer to an issue framed during the hearing. The issue framed was whether, since neither the Petitioners nor their paternal ancestors could be shown to be residents of Palghar, it could possibly be correct for a caste certificate to have been issued by the authorities in Palghar.

4. The question would have answered itself had the Committee but cared to look a little carefully at a few documents. The leaving certificate of the Petitioners' father at page 39 is of 3rd May 1992. It gives the caste as Chamar and it gives the address as Vasai, District Thane. For the Petitioners' grandfather, the corresponding certificate at page 102 is also of Vasai in Thane District. That

certificate is of 29th December 1946. There are other documents as well that are annexed.

5. What the Committee seems to have missed is that it was thereafter that Thane District was divided and the new district of Palghar was created. The question is not of a district but into which district the birth town of the Petitioners fell. Vasai was always their birth place. It was initially in Thane District because initially there was only the Thane District. On the subdivision, Vasai became part of Palghar District.

6. The entire order is completely without application of mind to self-evident circumstances. It cannot be sustained. It is quashed and set aside.

7. Rule is made absolute in terms of prayer clauses (a) and (b). The caste certificates are to be issued to the Petitioners within two weeks from today.

(Neela Gokhale, J)

(G. S. Patel, J)