

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

WRIT PETITION NO. 153/2023

Chinmay s/o Dilip Chavda,
Age : 19 years, Occ: Education,
R/o Anjangaon Road, Akot, Tq. Akot, Dist. Akola.

PETITIONER

-VERSUS-

1. The State of Maharashtra, through Ministry
for Social Justice and Special Assistance
Department, Mantralaya, Mumbai-32.
2. Member-Secretary,
District Caste Certificate Scrutiny Committee,
Akola, Tq. & Dist. Akola.

RESPONDENTS

Shri A.J. Thakkar, counsel for the petitioner.
Shri A.A. Madiwale, Assistant Government Pleader for the respondents.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : APRIL 06, 2023.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The challenge raised in this writ petition is to the order dated 22.09.2022 passed by the District Caste Certificate Scrutiny Committee, Akola thereby invalidating the petitioner's claim of belonging to 'Shimpi'- Other Backward Class category. It is the case of the petitioner that he and his forefathers belong to 'Shimpi' community. In that regard, the petitioner by relying upon the School Leaving Certificate dated 06.10.1937 issued to his grandfather's brother – Girdharlal as well as the

School Leaving Certificate dated 31.03.1938 issued to his grandfather – Mohan alongwith revenue extract of his great grandfather - Pitambar with the entry ‘Gujarati Darji’ dated 30.09.1931 sought verification of his caste claim. The petitioner also relied upon the validity certificates issued to other blood relatives indicating that they belong to ‘Shimpi’ – Other Backward Class category. The Scrutiny Committee obtained the report of the Vigilance Cell which noted that the family members were residing at Akot, Taluka Akot, District Akola and that they were engaged in the traditional profession of sewing. The members used to speak in Gujarati language and were following the customs of Hindu religion. The Scrutiny Committee after considering the aforesaid report of the Vigilance Cell alongwith the say of the petitioner concluded that in some of the old documents the words ‘Ka Shimpi’ had been written while in some other documents the words ‘Kathewari Darji’ had been written. On these grounds, the Scrutiny Committee invalidated the petitioner’s claim thus giving rise to the present challenge.

3. Shri A.J. Thakkar, learned counsel for the petitioner submitted that in the list of Other Backward Class category dated 13.10.1967, caste ‘Shimpi’ was at Serial Number 153. In the subsequent Government Resolution dated 09.08.1995 caste ‘Darji’ had been shown at Serial Number 236. In Annexure ‘C’ to the Government Resolution dated 09.08.1995 with regard to entry at Serial Number 153, caste ‘Shimpi’ alongwith its sub-caste ‘Idrisi/Darji’ had been shown. The forefathers of

the petitioner hailed from Kathiawad area in Gujarat but prior to 13.10.1967 which was the relevant date, the family had shifted in the State of Maharashtra. The word 'Ka Shimpi' indicated the Kathiawadi Shimpi' thus indicating the area from which the petitioner's forefathers came. Since 'Darji' had now been shown as a sub-caste of 'Shimpi', the entry pertained to the petitioner's great grandfather – Pitambar as 'Gujarati Darji' ought to be seen in that context. Since the validity certificate had been issued to other blood relatives, the petitioner's claim ought to have been upheld. The Scrutiny Committee failed to consider the aforesaid relevant aspects while invalidating the caste claim of the petitioner. The petitioner was pursuing his education and hence it was prayed that if his claim was to be upheld the Scrutiny Committee ought to be directed to issue such validity certificate within a period of one week.

4. Shri A.A. Madiwale, learned Assistant Government Pleader for the respondents opposed the aforesaid submissions. According to him, considering the entries 'Ka Shimpi' and 'Gujarati Darji', it was clear that the material relied upon by the petitioner was insufficient to issue the validity certificate. The forefathers of the petitioner were not the residents of State of Maharashtra and hence they could not claim any benefit in that regard. Though the revenue entries of the petitioner's great grandfather – Pitambar were of the year 1931, the words 'Kathewari Darji' had been mentioned. The word 'Darji' could not be equated with caste 'Shimpi' in the list of Other Backward Class category so as to enable

the petitioner to seek benefit of the same. The sub-castes 'Idrisi/Darji' related to persons from the Muslim community. Though various documents prior to 1967 had been filed, there were various entries such as 'Darji', Gujarati Shimpi', 'Kathewari Shimpi', etc and hence the claim of the petitioner was invalidated. The validity certificate issued to Jay, son of Vijay was without calling for the report of the Vigilance Cell and therefore was not liable to be relied upon. It was submitted that there was no case for interference with the order passed by the Scrutiny Committee in exercise of writ jurisdiction.

5. Having heard the learned counsel for the parties and having perused the relevant documents as well as the record of the Scrutiny Committee, we are satisfied that the Scrutiny Committee has committed an error while invalidating the petitioner's claim of belonging to 'Shimpi' – Other Backward Class category. Caste – 'Shimpi' has been included in the list of the Other Backward Classes category at Serial Number 153 *vide* Government Resolution dated 13.10.1967. Subsequently, sub-caste 'Idrisi/Darji' has been identified with caste 'Shimpi'. The oldest document on which the petitioner relies is of his great grandfather – Pitambar dated 30.09.1931. The same bears the entry 'Kathewad Darji'. It is a matter of common knowledge that 'Kathiawad' is a reference to a particular area in the State of Gujarat and there is no caste by name 'Kathiawad'. Similarly, the document of the year 1937 with the entry 'Ka Shimpi' relates to 'Kathewadi Shimpi'. This document is of the elder son of Pitambar and it

thus becomes obvious that the words 'Darji' and 'Shimpi' have been used synonymously in the documents of the years 1931 and 1937. Similarly, the School Leaving Certificate of another son of Pitambar, namely Mohan has the entry 'Shimpi' which again connects him with his brother and father. 'Shimpi'/'Darji' is the name of the profession of persons carrying on sewing activity. These entries are consistent in the family of the petitioner from 1930 and onwards. The fact that the family members were residing in the State of Maharashtra prior to the cut-off date of 13.10.1967 is also not disputed since the petitioner's grand-parents took education in the State of Maharashtra in the 1930s and 1940s. Coupled with the aforesaid, the Scrutiny Committee itself has issued a validity certificate to the petitioner's cousin Jay son of Vijay. The reason assigned by the Scrutiny Committee for not relying upon the said document on the ground that the said validity certificate was not preceded by any enquiry of the Vigilance Cell is hardly of any consequence considering the other documents on record. Similarly, the contention raised by the learned Assistant Government Pleader that the entries 'Idrisi'/'Darji' ought to be confined to persons from Muslim religion is also not supported by any such material. The Government Resolution dated 09.08.1995 and especially Annexure-C does not indicate the same. We therefore find that the Scrutiny Committee misdirected itself by giving undue importance to the presence of the words 'Kathewadi', 'Darji', 'Gujarati Darji', etc. The petitioner has thus proved that he and his forefathers belong to caste 'Shimpi', sub-caste 'Darji'.

6. For aforesaid reasons, the order passed by the Scrutiny Committee dated 22.09.2022 is set aside. It is declared that the petitioner has proved that he belongs to 'Shimpi' – Other Backward Class category which is Entry Number 153. The Scrutiny Committee shall within a period of one week issue validity certificate to the petitioner. Till such validity certificate is received, the petitioner can rely upon this judgment to indicate that direction has been issued for issuance of such validity certificate.

7. The writ petition is allowed in aforesaid terms. Rule accordingly, No costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

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