

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

WRIT PETITION NO. 2762 OF 2022

Vaishna D/o Avadhut Kadam @ Vaishnavi **Petitioner**
W/o Ashok Mudhol, Aged about 32 years,
Occupation Housewife, R/o At Marlegaon,
Tq. Umarkhed, District Yavatmal.

-Versus-

The District Caste Certificate Verification **Respondent**
Committee, through its Member Secretary,
Dr. Babasaheb Ambedkar Social Justice
Bhavan, Behind Dakshata Bhavan, Darwha
Road, Yavatmal.

Mr. Ashwin Deshpande with Ms Rashi Nagrare,
counsel for the petitioner.
Mrs. Ketki Joshi, Addl.G.P. for the respondent.

**CORAM : ROHIT B. DEO AND
M.W.CHANDWANI, JJ.**

DATE : 4TH JULY, 2023

JUDGMENT (Per : M. W. Chandwani, J.)

The petition challenges the impugned order dated
31/01/2022 passed by the respondent-1-District Caste
Certificate Verification Committee, Yavatmal (hereinafter

referred to as “Committee”), whereby the caste claim of the petitioner is invalidated.

2. The petitioner claims that she belongs to “Kunbi” caste, which is notified and listed at Sr.No.83 and included in the list of Other Backward Classes. The petitioner contested the election of Gram Panchayat Belmandal from the ward reserved for Other Backward Classes (OBC) category and the petitioner was declared as elected member of the said gram panchayat.

3. Pursuant to the said election, the caste certificate of the petitioner was sent to the respondent-Committee for verification of her caste claim through Revenue Officer, Tahsil Office, Kalamnuri, District Hingoli on 28/12/2020. The petitioner submitted all the documents showing her caste as “Kunbi”. However, the Committee by the impugned order dated 31/01/2022 invalidated the caste claim of the petitioner. Feeling aggrieved with the impugned order, the present petition came to be filed.

4. The Committee gave reason for invalidating the caste claim that the Committee did not find any document prior to 1967 to show the caste of the petitioner as “Kunbi”. The Committee did consider the *Perepatra* of year 1965-66 in the name of father of the petitioner and found that no caste was mentioned in the said document.

5. We have gone through the record of the Committee. The petitioner has filed document of Birth and Death Kotwali Register of the year 1927, which records that one Narayan grandfather of the petitioner got a female child. This document shows the caste of Narayan as “Kunbi”. This pre-constitutional document is ignored by the Committee on the ground that this document refers village Pimpri, whereas the other documents filed by the petitioner are of village Marlegaon. It is to be noted that Pimpri and Marlegaon villages are in one and same taluka, i.e. of Umerkhed. Just because some of the documents are of another village of the same taluka, the caste claim cannot be rejected. The Committee ought to have considered the document of the year 1927 in the name of Narayan, who is grandfather of the petitioner.

6. In view of the above, the order of the Committee does not stand and is required to be set aside. Hence, the petition is partly allowed. The impugned order is set aside. The matter is remanded back to the Committee to decide the caste claim of the petitioner afresh within three months from the date of appearance of the petitioner before the Committee. The petitioner shall appear before the Committee on 26/07/2023.

7. In view of above, Rule is made absolute. No costs.

(M.W.CHANDWANI, J)

(ROHIT B. DEO, J)