



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

Writ Petition No.4316 of 2023

Khushi d/o Pratap Parmar

Versus

The State of Maharashtra and another

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S.I. Ghatte, Counsel for Petitioner.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 14th DECEMBER, 2023.

1. It is the case of the petitioner that she belongs to 'Mochi' caste in Scheduled Caste category and as such her claim was referred to the respondent No.2-Committee, which, vide impugned order dated 31-3-2023, has rejected her claim.
2. Amongst other reasons furnished in the impugned order, the great-grandfather of the petitioner was a resident of Gujarat and the caste 'Mochi' was not recognized in the Scheduled Caste category in the State of Gujarat and therefore the petitioner is not entitled to be granted validity certificate as belonging to 'Mochi', Scheduled Caste.
3. The learned counsel for the petitioner has invited our attention to the order dated 19-4-2023 passed in Writ Petition No.6971 of 2022 in the case of *Divya Mukesh Chawda Versus State of Maharashtra and others*, whereby the Division Bench of this Court had an occasion to consider the similar issue. The Division Bench has held that since the petitioner's family was migrated to Maharashtra even prior to Independence, her claim in such an eventuality cannot be rejected on the ground that her forefathers hail from Gujarat and that the caste of the petitioner is not recognized in the State of Gujarat as Scheduled Caste.
4. In the aforesaid background, prima facie, we find that the case of the petitioner in the present petition is squarely covered by the decision of the Division Bench in the case of *Divya Mukesh Chawda* (supra). That being so, the

impugned order dated 31-3-2023 passed by the respondent No.2-Committee is hereby quashed and set aside.

5. We direct the respondent No.2-Committee to re-consider the case of the petitioner and decide the same on its own merits in view of the observations made by this Court in the case of *Divya Mukesh Chawda* (supra).

6. We direct the petitioner to appear before the respondent No.2-Committee on **21-12-2023**. The Committee shall take a decision within three months thereafter.

7. The petition stands allowed and disposed of.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)