



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

WRIT PETITION NO.4294/2022

Jayesh S/o Premchand Dante,
aged about 19 Yrs., Occ. Student,
R/o in front of P.W.D. Office,
Achalpur Road, Paratwada,
Tq. Achalpur, Dist. Amravati 444 805. ... Petitioner

- Versus -

The District Caste Certificate
Scrutiny Committee, Amravati
Division, through its Deputy
Director and Secretary,
Amravati, Tq. and Dist. Amravati. ... Respondent

Ms. Rashi R. Nagrare with Mr. Ashwin Deshpande, Advocates for
the Petitioner.
Ms. S.S. Jachak, A.G.P. for the respondent/State.

CORAM :- SMT. ANUJA PRABHUDESAI &
MRS. VRUSHALI V. JOSHI, JJ.
DATED:- 12.12.2023

ORAL JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent.

2. The petitioner has challenged the order dated 30.6.2022 passed by the District Caste Certificate Scrutiny Committee, Amravati invalidating the caste certificate of Koli Special Backward Class.

3. The petitioner belongs to Koli Special Backward Class which is recognized as Special Backward Class in the State of Maharashtra and is included at serial No.4(1) of the Constitutional Scheduled Tribe Order, 1950. Koli Special Backward Class was included in the list of Maharashtra State on 13.10.1967. The petitioner has obtained the caste certificate of Koli from competent authority on 24.6.2008.

4. The petitioner filed online application form dated 30.10.2021 for verification of caste certificate dated 24.6.2008 along with the following documents:-

Copy of caste certificate of the petitioner dated 24.6.2008, copy of the family tree of the petitioner on affidavit dated 21.9.2021, copy of the certificate given by the college of the petitioner dated 15.9.2021, copy of the birth certificate of the

petitioner issued by Municipal Council, Achalpur dated 1.7.2010, copy of birth certificate of the petitioner dated 18.11.2006, copy of the school transfer certificate of the petitioner dated 30.4.2014, copy of school leaving certificate of the petitioner dated 14.8.2020, copy of the caste certificate of the petitioner's father (Premchand Tekchand Dante) dated 6.10.2001, copy of the school leaving certificate of the petitioner's father (Premanand Tekchand Dante) dated 19.6.1978, copy of the affidavit of the petitioner dated 2.11.2021 and copy of the extract of the birth and death register of the petitioner's great grandfather (Narayan Koli Hirapura) dated 12.5.1921, copy of the affidavit of the petitioner's father.

5. The police vigilance cell conducted the enquiry and forwarded the report to respondent No.1 Committee. The petitioner has given his oral statement before respondent No.1 on 1.6.2022. The respondent Committee passed an order and invalidated the caste claim of the petitioner dated 30.6.2022 only on the ground that the document at Annexure 11 belongs to the

petitioner's father shows the caste P.Koli and that there is no such entry of P.Koli in the Constitutional Scheduled Tribe Order, 1950. The Committee has completely ignored the document at Annexure 13 which is document of 1921 belonging to the petitioner's great grandfather which shows the caste as Koli. Despite of 1921 document, the Committee has invalidated the caste claim of the petitioner.

6. During the pendency of the petition the real brother of the petitioner has received the validity certificate. Relying on the judgment of Apoorva Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee No.1 and others reported in **2010(6) Mh.L.J. 401** the petitioner has stated that as there is a validity certificate in blood relative the petitioner is entitled to the validity and the respondent Committee is under obligation to issue validity certificate in favour of the petitioner.

7. The Scrutiny Committee has filed reply and opposed the petition stating that school leaving certificate of father of the petitioner Premchand Tekchand Dante is issued by Headmaster

Rao Higher Secondary School, Achalpur dated 25.2.1988 in which the caste is mentioned as P.Koli and as this document is prior to deemed date it could not be considered for caste claim of the petitioner. Document of Pardesi Koli and the Pardesi document is not included in the Special Backward Class, therefore, the documentary evidence could not be considered while deciding the caste claim of the petitioner. The findings recorded by the respondent Committee are just, legal and proper. The petitioner has not submitted any document pertaining to the date prior to 1967. The latest document pertains to year 1978 which is school leaving certificate of the father of petitioner. The other documents which are filed on record does not show his relationship with the holders of document, therefore, the order passed by the respondent Committee is just, legal and proper.

8. Heard both sides. Perused the record.

9. During the pendency of this petition, by way of amendment, it is brought on record that the real brother of the petitioner has received validity certificate and he has brought it on

record as the validity certificate is issued by the same Committee to the real brother i.e. Bhavesh Ramchand Dante which is sufficient to prove that the petitioner is from Koli community. The documents which are filed by the petitioner are of Koli caste and are not denied by the Scrutiny Committee. Only on the ground of one document which shows that caste is P.Koli the validity is rejected. As the real brother of the petitioner has received the validity certificate and as per Apoorva Vinay Nichale's case (supra) the issuance of validity certificate to the blood relatives has to be considered by the Committee while issuing the validity certificate, the petition is allowed. Direction is given to the Scrutiny Committee to issue validity certificate of Koli Special Backward Class to the petitioner within a period of six weeks from the date of receipt of copy of this judgment.

(MRS. VRUSHALI V. JOSHI, J.)

(SMT. ANUJA PRABHUDESAI, J.)