



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

WRIT PETITION NO.6207/2022

Bushara D/o Abdul Fahim,
aged about 18 Yrs., Occ. Student,
R/o Holi Chowk, Main Road Dharni,
Taluka Dharni, Dist. Amravati.

... Petitioner

- Versus -

1. State of Maharashtra,
through its Secretary Social Welfare
Department, Mantralaya, Mumbai 32.

2. District Caste Verification and
Scrutiny Committee, Amravati,
through its Chairman / Member.

... Respondents

Mr. S. S. Dhengale, Advocate for the Petitioner.

Ms. Shamsi Haider, Assistant Government Pleader for
Respondent Nos.1 and 2.

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

DATED :- 20.12.2023

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

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

Heard finally by consent of the learned counsel for the parties.

2. The petitioner has challenged the order dated 27.4.2022 passed by the District Caste Verification and Scrutiny Committee, Amravati invalidating the caste claim of the petitioner. The petitioner belongs to 'Pinjara' caste which comes under the category of 'Other Backward Category'. The petitioner has submitted her caste claim in the prescribed format on 29.7.2021 before the respondent Committee and submitted the following documents:-

1. School leaving certificate of grandfather of Abdul Ajim Abdul Karim dated 28.2.2017,
2. School leaving certificate of sister Alfiya dated 3.7.2017,
3. Validity certificate issued to the real daughter of the petitioner on 7.6.2018,
4. Validity certificate issued to another real sister named Insha Bano dated 30.7.2018 and
5. Validity certificate issued to Abdul Sajid the cousin of the petitioner dated 25.5.1996.

3. The petitioner has produced all above documents along with Dakhal Kharij Register of grandfather. The document of school leaving certificate of great-grandfather was objected by the Scrutiny Committee. The petitioner has given the explanation to said objection that by verifying the same documents the petitioner's brother and cousins have received the validity

certificate issued by the same Scrutiny Committee. The Scrutiny Committee has invalidated the caste claim on the ground that the validity certificate issued to the candidates were not issued after conducting the vigilance enquiry and has also discarded the documents. In one of the documents of 1971 there is an entry of *Musalman* hence the documents are discarded by the Scrutiny Committee and the caste claim of the petitioner is invalidated.

4. Reply is filed by the learned A.G.P. and has opposed the caste claim of the petitioner. It is stated that the caste certificate of the petitioner is issued by the Sub-Divisional Officer, Dharni certifying that she belongs to caste 'Pinjara'. As the Scrutiny Committee has come to conclusion that validity certificate issued to the relatives are without vigilance enquiry the Committee has rightly invalidated the caste claim of the petitioner.

5. Heard both sides. Perused the record.

6. Real two brothers, cousins and great-grandfather of the petitioner have received the validity certificate from same Scrutiny Committee on verifying the documents as is submitted

by the petitioner. The documents filed on record show that there is entry of 'Pinjara' caste. Considering the validity certificate issued to the blood relatives and as per the ratio laid down in *Apoorva Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee No.1 and others* reported in **2010(6) Mh.L.J. 401** the petitioner is entitled for the validity certificate of 'Pinjara' caste. Hence the order passed by the Scrutiny Committee is set aside. Direction is given to the Scrutiny Committee to issue caste validity certificate of 'Pinjara' caste to the petitioner within six weeks from the date of this judgment.

Rule is made absolute in the above terms with no orders as to costs.

(MRS. VRUSHALI V. JOSHI, J.) (SMT. ANUJA PRABHUDESAI, J.)