



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7416 OF 2024

**SAVALI SANGITA DHAWALE MINOR
THROUGH GUARDIAN SANGITA GUNAJI DHAWALE
VERSUS
STATE OF MAHARASHTRA
THROUGH PRINCIPAL SECRETARY AND ANOTHER**

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Advocate for Petitioner : Mr. Tarde Vivek V.
AGP for Respondents/State : Mrs. P.J. Bharad

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 28 AUGUST 2024

PER COURT :

. The petitioner is challenging the order of respondent no.2/Scrutiny Committee, refusing to validate her Mali (182) OBC certificate.

2. It transpires during the course of argument that in the peculiar facts and circumstances wherein the petitioner's parents have separated by way of a decree of divorce, and she is claiming to have inherited the caste from mother's side, it is imperative that the petitioner approaches the Committee with a specific stand and makes an endeavour to lead evidence to substantiate her claim in the light of the observations of the Supreme Court in the matter of **Rameshbhai Dabhai Naika Vs. State of Gujarat**, 2012 AIR SCW 913.

3. Incidentally even the Committee would be under obligation to undertake the scrutiny by resorting to vigilance objectively to ascertain the stand being taken by the petitioner, seeking to derive the benefit of the caste from the maternal side in the light of the observations in the matter of **Noopur d/o Prashant Ambre Vs. Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and Another**, Writ Petition No. 1737 Of 2018.

4. Since this is not an adversarial litigation, remanding the matter to the Committee would enable the petitioner and also the Scrutiny Committee to objectively consider the petitioner's claim from the peculiar angle as contemplated in the matter of Rameshbhai Dabhai Naika (supra).

5. The writ petition is allowed partly. The impugned order is quashed and set aside. The matter is remanded back to the Scrutiny Committee for undertaking fresh scrutiny of the petitioner's proposal on its own merits by extending her an opportunity to lead evidence/take appropriate stand, and even by resorting to a fresh vigilance inquiry.

6. The petitioner shall appear before the Scrutiny Committee on 02.09.2024 and the Committee shall decide the proposal afresh as expeditiously as possible and in any case within eight weeks.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]