



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

WRIT PETITION NO. 5090 OF 2018

(John s/o Abhay Enoch @ John s/o Yuvraj @ Abhay Walde vs. Divisional Caste Certificate Scrutiny Committee No.3, Nagpur Division and another)

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

Court's or Judge's order

Mr. H.R.Gadhia, Advocate for the petitioner.

Mr. J.Y.Ghurde, Assistant Government Pleader for the respondents

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

DATE : SEPTEMBER 19, 2024

The affidavit placed sworn on 15/12/2021. It is brought to our notice that the real brother of the petitioner, namely, Yugal Yuvraj Walde was issued caste validity certificate dated 24/07/2018 wherein he is certified to be belonging to "Mahar" (Scheduled Caste). The said caste validity certificate was issued subsequent to the impugned order dated 19/03/2015, wherein the caste claim of the petitioner belonging to "Mahar" (Scheduled Caste) came to be rejected.

2) In view of the law laid down by the Division Bench of this Court in the matter of ***Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee and others reported in 2010(6) Mh.L.J. 401***, the validity granted in favour of the blood relative is required to be considered while dealing with the claim of another blood relative for caste validity.

3) In that view of the matter, we deem it appropriate to quash and set aside the impugned order dated 19/03/2015 whereby the caste claim of the petitioner was rejected.

- 4) We permit the petitioner to appear before the Caste Scrutiny Committee, Gondia on **14/10/2024** as it is not in dispute that the jurisdiction to entertain and decide the claim of the petitioner for caste validity is with the said Committee.
- 5) Once the petitioner appear before the said Committee on 14/10/2024, the Caste Scrutiny Committee, Gondia shall call for the record from the erstwhile Caste Scrutiny Committee, Nagpur, which has passed the impugned order and decide the claim of the petitioner afresh having regard to the validity granted in favour of the brother of the petitioner.
- 6) All the contentions are kept open as this Court has not examined the merits of the matter.
- 7) Needless to clarify that the Committee shall decide and communicate the decision to the petitioner within a period of six months from the date of his appearance.
- 8) Accordingly, the petition is partly allowed in the above terms.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)