



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

WRIT PETITION NO.2834 OF 2023

[Abdul Raheman Akbar Shah Thr LRs. .Vs. Divisional Caste Certificate Scrutiny
Committee and Anr.]

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

Court's or Judge's order

Ms S. W. Deshpande, Advocate for Petitioners.
Mr A. S. Fulzele, Addl. G. P for Respondent/State.
Mr B. M. Lonare, Advocate for Respondent No.2.

CORAM : **AVINASH G. GHAROTE AND**
M. W. CHANDWANI, JJ.

DATE : **7th AUGUST, 2024.**

. Heard.

2. The learned Additional Government Pleader for respondent/State, in pursuance to the order of this Court dated 31.07.2024, on account of reliance by the petitioner upon the circular/letter dated 29.06.2006, has placed on record the order of this Court in Writ Petition No.2802 of 2014 dated 06.04.2015, in which it has been held that the communication dated 29.06.2006, which was in the nature of guidelines and directions to the Caste Scrutiny Committee as to how caste claim in respect of "Chhapparband" caste should be decided, for the purpose of issuing validity, was quashed and set aside by the judgment and order dated 27.01.2011 in Writ Petition No.4506 of 2004. Consequent to which, circular dated 23.03.2011 was brought into effect, to which learned AGP submits, that it has been withdrawn by the circular dated 16.02.2015. In light of this, the entitlement of the Caste Scrutiny Committee to decide

the claim of “Chhapparband” caste, in terms of the circular dated 23.03.2011, does not survive and in case any such claim is made, the same will have to be decided, in terms of the Caste Certificate Act, 2012 and the rules framed thereunder.

3. Learned counsel for petitioner however submits, that the appointment of the petitioner, was not in any reserved category, but it was in an open category, for which she relied upon the seniority list of the year 2021-2022 (Page 28), in which the appointment of the petitioner is indicated to be in an open category. The letter of appointment of the petitioner dated 15.06.1995, which has been placed on record by the employer, also does not indicate that the petitioner has been appointed against reserved category post.

4. The challenge in the present petition, is to the decision of the Caste Scrutiny Committee dated 26.07.2019 (Page 31), by which the claim of the petitioner of belonging to “Chhapparband” nomadic tribe, has been rejected on the ground, that the petitioner has not been able to demonstrate by way of any document, entitlement to the same. In the instant case, also the learned counsel for the petitioner, is unable to point out to us any document from the record of the Committee as made available by the learned AGP, which would substantiate the claim of the petitioner of belonging to “Chhapparband” community, in view of which, we do not see any reason to interfere in the decision of the Committee rejecting the caste claim of the petitioner.

5. Needless to say, that since the appointment of the petitioner is of the year 1995 and the “Chhapparband” community, was declared as vimukta jati, for the first time by the Notification dated 24.12.2002 as indicated in the caste certificate dated 25.06.2007 (Page 21) issued to the petitioner, the appointment of the petitioner as indicated above being of the year 1995 could not be said to have been made, in any post carrying any reservation and the petitioner will have to be held to have been appointed in an open post, which is also the position, which is reflected from the seniority list, as indicated above.

6. In the result, the petition is **dismissed**. No costs.

(M. W. CHANDWANI, J.) (AVINASH G. GHAROTE, J.)