



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

WRIT PETITION NO.8064/2023

Jay s/o Santosh Rotade through its father and natural guardian Santosh Shamrao
Rotade
Vs.

District Caste Certificate Scrutiny Committee, Amravati, through its Member
Secretary/Research Officer

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

Court's or Judge's orders

Shri G.G. Mishra, Advocate for petitioner
Shri N.R. Patil, AGP for respondent

CORAM : VINAY JOSHI AND SMT. M.S. JAWALKAR, JJ..
DATED : 11/06/2024

The petitioner claims to be belonging to the caste 'Kumbhar' which is notified as Other Backward Class Category on 13/10/1967. The petitioner has obtained caste certificate issued by Sub Divisional Officer, Amravati. The petitioner was desirous to pursue higher education, hence, his proposal for verification of caste claim was forwarded to the respondent- Scrutiny Committee. The petitioner has filed several documents in support of his caste claim. The Committee has conducted vigilance inquiry and on the basis of emerging documents, dis-agreed with the petitioner's claim resulted into rejection of validity.

2. The learned Counsel appearing for the petitioner would submit that the petitioner and his forefathers were resident of Maharashtra from last 3-4 generations. The petitioner has produced certain documents showing that caste of his grandfather and forefathers was though

recorded as 'Kumbhar Pardeshi' or 'P-Kumbhar', there is no such caste and thus the petitioner belongs to 'Kumbhar' caste.

3. Apart from that, the petitioner has produced a copy of sale-deed of the year 1946 of his great-grandfather Debuji which specifically bears a reference that Debuji belongs to 'Kumbhar' caste. It is petitioner's contention that despite due diligence the said document was not available and thus, this being oldest document needs to be relied. *Prima facie*, the photocopy of document discloses that it was of Debuji with caste as 'Kumbhar'. However, it requires due verification. In the result, the matter needs to be reconsidered in the light of said document.

4. In view of above, we hereby set aside the impugned decision of the respondent- Caste Scrutiny Committee dated 22/05/2023 invalidating the petitioner's caste claim. The matter is remitted back to the Scrutiny Committee who shall re-verify the petitioner's caste claim.

5. The petitioner shall appear before the Committee on 25/06/2024 and produce the original sale-deed of the year 1946 and any other additional documents if he desirous so.

6. The Committee shall re-verify and take appropriate decision in accordance with law.

7. The Committee shall complete said exercise within eight weeks from the date of first appearance of the petitioner before the Committee.

8. The writ petition stands disposed in above terms.

(SMT. M.S. JAWALKAR, J.)

(VINAY JOSHI, J.)

R.S. Sahare