



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2170 OF 2022

Kakasaheb Dhondiram Jadhav,
Age : 38 years, Occu: Agri, &
Grampanchayat Member of Sherodi (Bk),
Tq.. Phulambri, Dist. Aurangabad.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The District Caste Certificate Scrutiny Committee,
(VJNT & OBC), Aurangabad.
3. The District Collector, Aurangabad,
Dist. Aurangabad.
4. The Tahsildar,
Tahsil, Phulambri, Dist. Aurangabad.

...Respondents

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Mr. Anandsingh Bayas a/w Mr. Prithviraj Bayas, Mr. Abdullah Shaikh,
Mr. Rajat Untwal – Advocate for the Petitioner
Mr. A. R. Kale – AGP for Respondent/State
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**CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, JJ.**

DATED : 6TH AUGUST, 2025

ORAL ORDER [Per Neeraj P. Dhote, J.] : -

1. By the present Writ Petition filed under Article 226 of the Constitution of India, the Petitioner has challenged the order dated 14.01.2022 passed by the Respondent-Scrutiny Committee, invalidating

his Claim to be belonging to 'Kunbi' Caste, which falls under the Other Backward Class Category [hereinafter referred to as 'OBC Category'].

2. The Petitioner is a Member of Village Panchayat, Shirodi (Bk), Taluka Phulambri, District Chhatrapati Sambhajinagar. He claims to be belonging to Kunbi Caste, which is included in the list of OBC Category. His Caste Certificate towards the 'Kunbi' was sent to the Respondent - Scrutiny Committee for verification. The same came to be rejected by the impugned order on the ground that, in the case of Petitioner's Brother, the Affidavit was filed stating that their Father was illiterate though he had studied up to 4th Standard. Learned Advocate for the Petitioner submits that, on the very same material, the Respondent – Scrutiny Committee has granted Validity to the Petitioner's Brother for the same caste, and in absence of any contra entry, the Committee should have granted Validity to the Petitioner as well. He submits that, the Government has amended the Maharashtra Scheduled Castes, De-notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012 to the effect that, in the event any blood relation of the Applicant is holding the Validity certificate, the Scrutiny Committee shall issue Validity Certificate to the Applicant. He submits that the impugned order be set aside and the Petition be allowed.

3. The Petition is vehemently opposed by the learned Assistant Government Pleader. He submits that, it was for the Petitioner to establish his claim independently. He submits that, though the Petitioner's Father studied upto 4th Std., the Petitioner's Brother submitted an Affidavit stating that their Father was illiterate. He submits that the Writ Petition be dismissed.

4. We have perused the papers on record. There is no dispute in respect of the genealogy, and further there is no dispute that the Petitioner's real Brother's claim to be belonging to Kunbi, OBC Category, has been validated by the Respondent - Committee by order dated 05.11.2018, by giving reasons. The said Validity is intact. There is nothing to show that, the Respondent-Committee found contra entries during the inquiry of the Petitioner's claim. It is also not in dispute that the Petitioner's Brother was issued Validity Certificate after following the due procedure. Though the said Affidavit, which according to the Respondent-Committee was submitted by the Brother of the Petitioner stating that, their Father was illiterate though he studied upto 4th Std., it cannot form the sole basis to reject the Claim. The said Affidavit was not in respect of the Caste or there is nothing to show that by the said Affidavit any doubt was created in the mind of Respondent-Committee in respect of the Claim of the Petitioner. Thus, in view of the settled position under the law that, once the blood relative is granted Validity

Certificate by following due procedure, the same shall be treated as a valid and relevant piece of evidence and the Scrutiny Committee is expected to grant Caste Validity to the Applicant as well, and facts and circumstances of the matter, we proceed to pass the following order : -

ORDER

- [i] This Writ Petition is allowed.
- [ii] The impugned order dated 14.01.2022 passed by the Respondent - Scrutiny Committee invalidating Petitioner's Claim to be belonging to OBC Category, is quashed and set aside.
- [iii] The Respondent-Committee shall issue Validity Certificate to the Petitioner for the Caste his Brother is issued Validity Certificate, which shall be valid till the Petitioner's Brother's Validity is intact, within a period of four (4) weeks from the date of receipt of this order.
- [iv] Petition stands disposed off.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde, PS