



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

WRIT PETITION NO.11525 OF 2022

Tariq Irfan Khan Lodhi s/o
Mukhtar Khan Lodhi

... PETITIONER

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. C.R. Thorat, Advocate for petitioner
Mr. P.K. Lakhotiya, A.G.P. for State
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 30th JULY, 2025

ORDER :

Heard. The petitioner claims to have belonged to "Lodhi", OBC. His caste certificate was subjected to scrutiny. The respondent Scrutiny Committee did not grant the petitioner validity certificate on the ground the petitioner to have failed to produce reliable revenue or school record to substantiate his claim. The petitioner is, therefore, before us in this Writ Petition.

2. Learned Advocate for the petitioner submits that, the caste, "Lodhi" was included in the State list of OBC in the year 2004, for the first time. The petitioner or his father or other blood relations had, therefore, no reason either to interpolate the school or service record with a view to take advantage of Lodhi caste. The petitioner has relied on the entry in the Service Book of his father and school record of his real brother to substantiate his claim. Learned Advocate ultimately urged for allowing the Writ Petition.

3. The learned A.G.P. would, on the other hand, submit, the first page of the Service Book was in torn condition. There was no mention of the caste in the relevant column of Page No.1. He would further submit, the school record pre-2004 indicate the petitioner's caste as "Muslim". There is no reference at all of the petitioner disclosing him to have belonged to Lodhi community. There is no mention of the petitioner's caste in the service record. As regards the document in the nature of Sale Deed relied on by the petitioner, the learned A.G.P. would submit that, in the said

record, the surname of the father of the petitioner is shown and not the caste. The learned A.G.P. supports the order impugned herein.

4. After having considered the submissions and perusal of the documents on record, we find that the respondent Scrutiny Committee to have had no ground to turn down the petitioner's claim. In the surname of the petitioner itself, the caste has been implied. For years together the petitioner and his forefathers have represented themselves to be "Lodhi". In the school record of the petitioner's brother, in the year 1983, the caste has been recorded as "Lodhi". Same is the case about the entry in the Service Book of the petitioner's father. It is true that the first page of the Service Book was found in torn state and there was no mention of the caste of the petitioner's father. Admittedly, the caste "Lodhi" has been included in the list of OBC in the year 2004. Before thereto, neither the petitioner nor his father or other relations had any inclination that their caste would be incorporated or considered in the OBC category. The service record of the petitioner's father and the school record of his real brother

vouch for his claim to have belonged to the caste, "Lodhi", which has admittedly been considered as OBC since 2004. For all these reasons, we find the order impugned herein is liable to be set aside. The petition thus succeeds. The petition is, therefore, allowed in terms of the following order :

ORDER

- (i) The order dated 20/10/2022 not granting the petitioner validity certificate is hereby set aside.
- (ii) The respondent Scrutiny Committee is directed to issue the petitioner validity certificate, indicating him to have belonged to OBC category i.e. "Lodhi" within a period of two months from the date of receipt of copy of this order.
- (iii) Writ Petition stands disposed of.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

FMPathan/-