

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.7556 OF 2025

Saima Ayaz Ahmad Momin

.....Petitioner

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. R. K. Mendadkar, for the Petitioner.

Mr. P. P. Kakade, Additional Government Pleader a/w Mr. M. M. Pabale, AGP, for Respondent Nos.1 & 2

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 19th JUNE 2025.

P.C.:-

1. The Petitioner essentially seeks quashing and setting aside of the order dated 8th May 2025 passed by the Respondent No.2- District Caste Certificate Scrutiny Committee, Thane (which is impugned herein) and also seeks further direction to the Respondent No.2- Committee to reconsider the case of the Petitioner in the light of the doctrine of consanguinity.

2. The Petitioner is a minor and has filed this Petition through her father- natural guardian. It is the case of the Petitioner that she by birth belongs to 'Julah' caste which is recognized as Other

Backward Class ('OBC') in the State of Maharashtra. She was granted Caste Certificate by the competent authority of jurisdiction on 28th July 2024 certifying that she belongs to Julah Caste which is recognized as OBC. The Petitioner, being a student, needs a Caste Validity Certificate ('CVC') as a condition precedent to secure admission for higher education under OBC. Thus, she moved her application for grant of certificate through her junior college on 28th October 2024 and submitted various documents alongwith her application. However, the Respondent No.2- Committee vide notice dated 04th April 2025, directed the Petitioner to obtain fresh caste certificate as belonging to 'Momin' caste as the surname of the Petitioner is Momin.

3. The Petitioner, on 22nd April 2025 filed a reply to the aforesaid notice and stated that she belongs to 'Julah' caste which is OBC, though her surname is Momin. She also stated that her father and other blood relatives have been granted CVC and thus, urged that she should also be issued similar certificate. However, the Respondent No.2- Committee passed the impugned order recording that upon scrutiny of the Application, the Respondent No.2- Committee found

that the surname of the Petitioner is Momin and her Caste Certificate is of Julah Caste and the Petitioner did not submit any revised Caste Certificate. Being aggrieved by this impugned order, the Petitioner has filed this Petition.

3. Mr. R. K. Mendadkar, learned counsel appears for the Petitioner and Mr. P. P. Kakade, the learned AGP represents the State.

4. We have heard the counsel for the parties and have perused the papers with their assistance.

5. At the outset, Mr. Mendadkar and the learned AGP submit jointly that the impugned order can be quashed by consent and be remitted back to the Respondent No.2- Committee for fresh consideration as the Respondent No.2- Committee has not been able to verify whether the Petitioner belonged to the Julah Caste. The learned AGP states that the Respondent No.2- Committee was unable to verify whether the relatives whose CVC was relied upon by the Petitioner were related to her since the genealogy of the same was not filed before them.

6. Considering the aforesaid joint submission, we deem it

appropriate to quash and set aside the impugned order and remit the matter back to the Respondent No.2- Committee for considering it afresh.

7. We direct the Petitioner to place on record the genealogy and all other necessary documents before the Respondent No.2- Committee.

8. The Petitioner shall appear before the Respondent No.2- Committee on the date and time decided by the Committee.

9. The Committee shall decide the matter within six weeks from the date of uploading of this order.

10. Petition is accordingly disposed of.

11. We make it clear that we have not made any observation on the merits of the matter and as such keep all contentions of all the parties, on merits, open.

12. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)