



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

WRIT PETITION NO.345 OF 2018

Ku. Arshiya Khatun Gazi Mohammad, Tq. Akot, Dist. Akola

-vs-

District Caste Certificate Scrutiny Committee, Akola and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Ms Vedika N. Thakare, Advocate h/f Shri Anil Mardikar, Senior Advocate for petitioners.

Shri H. R. Dhumale, Assistant Government Pleader for respondent Nos.1 and 2.

Ms Shaad Mirza, Advocate for respondent No.3

CORAM : NITIN W. SAMBRE AND SACHIN S. DESHMUKH, JJ.

DATE : June 23, 2025

P. C.

1. Heard.

2. The order impugned is dated 08/01/2018 passed by the respondent-Scrutiny Committee which was dispatched on 12/01/2018 whereby the petitioner's claim of belonging to 'Momin' (Other Backward Class) came to be invalidated.

3. The claim of the petitioner is based on the entries with regard to the documents of her great grandfather, cousin great grandfather, cousin grandfather etc.

4. The Committee noted that there is interpolation in the documents particularly in the caste column and has referred the same for the opinion of handwriting expert. The opinion of the handwriting

expert is dated 28/11/2017. Subsequent thereto it appears that the Research Officer has issued a communication dated 29/12/2017 to the petitioner intimating about receipt of opinion of the handwriting expert. As a sequel of above, on 08/01/2018 the petitioner moved an application seeking the cross-examination of the handwriting expert. The petitioner also made applications for providing photo copies of the documents and for summoning the record keeper from the office of the Sub-Registrar-2 for cross-examination.

5. It appears that the said applications were not decided by the respondents and respondent-Scrutiny Committee proceeded to reject the claim of the petitioner on merits.

6. If we consider the conduct of the respondent-Committee based on the mandate of Section 8 of The Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short, the Act of 2000), the burden is cast on the petitioner to prove the documents viz. entries of belonging to particular tribe/caste.

7. The respondent-Committee has considered the handwriting expert's opinion adverse to the interest of the petitioner and for discharging the burden cast on the petitioner under Section 8 of the Act

of 2000, she moved an application not only for cross-examining the handwriting expert but also other witnesses.

8. It appears that the Committee without passing an independent order, proceeded to reject the request of the petitioner that too without recording any satisfactory reasons for not granting such request.

9. Such conduct of the respondent-Committee not only goes contrary to the scheme of Section 8 of the Act of 2000 but also amounts to violation of principle of natural justice as the petitioner was not granted sufficient opportunity to discharge the burden cast on her under Section 8 of the Act of 2000.

10. That being so, the impugned order dated 08/01/2018 is hereby quashed and set aside.

11. We direct the respondent-Scrutiny Committee to decide the applications of the petitioner dated 08/01/2018 which are produced at Annexure-K (pages 62 to 66 of the petition) as expeditiously as possible as the petitioner is permitted to appear before the respondent-Scrutiny Committee on 07/07/2025.

12. The Committee after hearing the petitioner shall pass a reasoned order on the said applications. In case if such applications are allowed,

the Committee shall make every endeavor to decide the caste-claim of the petitioner within a period of six months thereafter.

13. As such the writ petition is partly allowed. Disposed of as such.
No order as to costs.

(Sachin S. Deshmukh, J.)

(Nitin W. Sambre, J.)