



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

WRIT PETITION NO. 1313 OF 2025

Ku. Saloni Santosh Patalbansi,
Aged about 19 years, Occ.-Student,
R/o. Yawali, Post- Yawali,
Tah. & Dist. Yavatmal-445002.

.... **PETITIONER**

// **VERSUS** //

1) **The District Caste Scrutiny Committee**
Through its Member's Yavatmal,
Dist. Yavatmal - 445002.

2) **Jawaharlal Darda, Institute of
Engineering and Technology, Yavatmal**
Through it's Principal, Yavatmal.
Dist. Yavatmal.

.... **RESPONDENTS**

Ms. Punam D. Pisurde, Advocate holding for Mr. S. V. Sirpurkar,
Advocate for Petitioner.

Mr. J. Y. Ghurde, Assistant Government Pleader for Respondent
No.1.

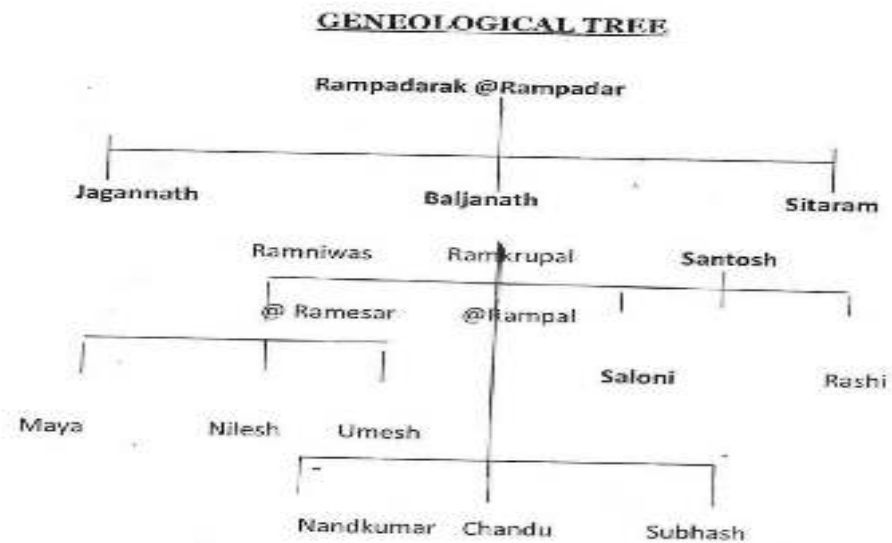
**CORAM : MRS. M. S. JAWALKAR AND
RAJ D. WAKODE, JJ.**

DATE : 08th SEPTEMBER, 2025.

ORAL JUDGMENT :- (Per : M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith. Matter is taken up for final hearing at the stage of admission by consent of the parties and at the request of parties.

2. The Petitioner, by this Petition, seeking relief of quashing and setting aside the order dated 11/12/2024, passed by the Respondent No.1 - District Caste Scrutiny Committee, Yavatmal. The Petitioner claimed to belong to "Kunbi" Caste which is enlisted in "Other Backward Class" (Entry No.83). The Petitioner applied for caste certificate before the Sub-Divisional Officer, Yavatmal along with necessary documents. Upon due verification, the Sub-Divisional Officer, Yavatmal issued the Caste Certificate of "Kunbi" on 25/08/2021 to the Petitioner. The Caste Certificate of the Petitioner as well as those of the Petitioner's father and grandfather confirmed that they belong to "Kunbi" community and residents at Yawali, Tahsil and District Yavatmal. The Petitioner placed genealogy tree, which is as under :



3. The Petitioner also placed on record the Birth Registration entry of Ramesar Son of Baijnath Rampadar dated 03/09/1962, wherein the Caste is shown as “Kunbi”. There is another document of the year 1965, it is a Birth Registration entry of Rampal Son of Baijnath Rampadar dated 13/04/1965, wherein the Caste is shown as “Kunbhi”. The Caste Scrutiny Committee, instead of considering the document of 1962, wherein the Caste is mentioned as “Kunbi”, considered the subsequent document dated 13/04/1965 wherein the Caste is mentioned as “Kunbhi” and on that basis earlier document dated 03/09/1962 found as suspicious. In fact, it is settled position of law that oldest document has to be considered which is having more probative value, the subsequent entry of 1965, even if showing caste as “Kunbhi”, which is a variation of caste “Kunbi”. In that circumstances, the Caste Scrutiny Committee ought to have considered the oldest document of the year 1962. So far as the observation in para 12 of the Caste Scrutiny Committee is that the surnames of persons namely Varma, Pataliya, Patel, Patariya and Chapariya are not belonging to Kunbi caste.

4. The learned Counsel for the Petitioner, by way of Pursis placed on record the Validity Certificate issued by the District Caste Certificate Scrutiny Committee to one Vinod Ramsewak Patalbansi, which is sufficient to show that the claim of Kunbi of the Petitioner cannot be discarded on the basis of surname, specifically when there is a document of 1962 available on record which was not discussed by the Scrutiny Committee. On the contrary, on the basis of subsequent entry of 1965, wherein the caste shown as “Kunbhi”, which may be a mistake in writing, categorizes the earlier document as suspicious, which is erroneous and the same cannot be sustained in the eye of law. As such, the Petition needs to be allowed. Hence, we pass the following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 11/12/2024, passed by the Respondent No.1 – The District Caste Scrutiny Committee, Yavatmal rejecting the caste validity of the Petitioner and confiscation of the caste certificate of the Petitioner is hereby quashed and set aside.
- (iii) It is declared that the Petitioner is duly established that she belongs to Caste “**Kunbi**”, “Other Backward Class”.

- (iv) The District Caste Scrutiny Committee, Yavatmal – Respondent No.1 is hereby directed to issue Caste Validity Certificate to the Petitioner as she belongs to Caste “Kunbi”, “Other Backward Class” within a period of four weeks.
- (v) Till the issuance of Caste Validity Certificate by the Caste Scrutiny Committee, admission of the Petitioner in Engineering with the Respondent No.2 is hereby protected.

The Writ Petition stands disposed of in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

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