



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

WRIT PETITION NO.2264 OF 2025

Ku. Deepa D/o Premchand Bayad
Aged about 31 years, Occ: Student
R/o Mochipura, Telhara, Tahasil Telhara
District Akola.

...PETITIONER

...V E R S U S...

1. State of Maharashtra,
through its Secretary,
Ministry of Social Justice and
Special Assistance, Mantralaya,
Mumbai-32.

2. District Caste Certificate Scrutiny
Committee, Akola, through its
Chairman.

...RESPONDENTS

Shri S.Y. Deopujari, Advocate for petitioner.
Ms S.S. Jachak, Additional Government Pleader for respondents.

CORAM : SMT. M.S. JAWALKAR & M.W. CHANDWANI, JJ.
RESERVED ON : 10.11.2025
PRONOUNCED ON: 19.11.2025

JUDGMENT: *(Per : M.W. Chandwani, J.)*

1. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of both the parties.

2. The petition challenges the order dated 20.01.2025
invalidating the caste claim of the petitioner who claims to be
belonging to 'Mochi' which is recognized as a Scheduled Caste
under the Constitution (Scheduled Castes) Order, 1950.

3. The petitioner claims that she belongs to 'Mochi' which is recognized as a Scheduled Caste at Serial No.11 in list of the Constitution (Scheduled Castes) Order, 1950. Therefore, she applied to respondent no.2 – District Caste Certificate Scrutiny Committee, Akola (for short "**Committee**") for validation of her caste certificate. She relied upon various documents such as her school leaving certificate as well as the school leaving certificate of her father, birth certificate of her father, death certificate of her grandfather, extract of birth-death Kotwal register of her great-grandfather and various other documents including caste validity certificates issued to her uncle and cousins. However, respondent no.2 – Committee discarded the documents in the name of the petitioner and her father as they are post-Constitutional documents. Though, the petitioner filed two pre-Constitutional documents i.e. birth-death Kotwal register of village Telhara, Tehsil Telhara, District Akola, in respect of entry of the year 1934 of a son born to Moti Jagannath namely Ganpat Moti Jagannath and Kotwal book extract of the year 1926 of her great-grandfather which mentions 'Motya Mochi'. In both the documents, the caste is shown as 'Mochi'. However, respondent no.2–Committee has discarded the document of the year 1934 on the ground that there is no person named Ganpat in the family tree of the petitioner. The

document belonging to the year 1926 was discarded on the ground that the name of the great-grandfather of the petitioner is mentioned in singular form as 'Motya Mochi'. Whereas, the caste validity certificates granted to the uncle and cousins of the petitioner have been discarded on the ground that vigilance enquiry was not conducted prior to issuance of validity certificates.

4. We have considered all the documents, more particularly, the reply filed by respondent no.2. Birth name of Shankar, who is the grandfather of the petitioner is Ganpat, but that was not considered by respondent no.2 – Committee while discarding the document pertaining to the year 1934. Further, the document belonging to the year 1926 of village Telhara itself shows the name of the great-grandfather of the petitioner showing his caste as 'Mochi' which has been erroneously discarded by the Committee solely on the ground that the name of the great-grandfather of the petitioner is written in singular form. The Committee ought to have identified this document by comparing the name of the village. The fact remains that the great-grandfather of the petitioner was a resident of village Telhara. That apart, respondent no.2 – Committee ignored the caste validity certificates granted to the uncle and cousins of the petitioner.

5. We have no hesitation to state here that, it is not necessary for the Committee to order a vigilance enquiry in all the cases. Thus, the caste validity certificates granted to the uncle and cousins of the petitioner cannot be discarded on the ground that no vigilance enquiry was conducted by the Committee before granting validity certificates to them. The finding recorded by respondent no.2 – Committee is contrary to Rule 16 of 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 and against the mandate laid down by this Court in the case of *Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others*¹. There are consistent entries of ‘Mochi’ in all the documents in respect of the petitioner and her father coupled with the pre-constitutional entries of 1934 and 1926 in respect of the grandfather and great-grandfather of the petitioner. Respondent no.2–Committee ignored all these aspects and erroneously invalidated the caste claim of the petitioner. Therefore, the findings recorded by respondent no.2–Committee are required to be set aside by allowing the petition. Hence, we proceed to pass the following order:

1 2010 (6) MhLJ 401

6. The writ petition is allowed.
7. The impugned order dated 20.01.2025 passed by respondent no.2 – Committee in Case No.ED-2024-01365971 in respect of the caste claim of the petitioner is set aside.
8. It is hereby declared that the petitioner belongs to ‘Mochi’ Scheduled Caste.
9. Respondent no.2 – Committee is directed to issue caste validity certificate to the petitioner within two months from the date of receipt of this order.

Rule is made absolute in the abovesaid terms. No order as to costs.

(M.W. CHANDWANI, J.)

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

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