



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

WRIT PETITION NO.4502 OF 2024

Miss. Bhumi d/o Gopal Sisodiya,
Aged 17 years, Occ. Education,
(Since Minor), through natural
Guardian father Gopal s/o Fakirchand
Sisodiya, Aged about 48 years,
Occ. Labour, R/o. Mochipura,
Telhara, District-Akola.

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Petitioner

..Versus..

1. State of Maharashtra,
through Secretary, Department of
Tribal Welfare and Social Justice,
Mantralaya, Mumbai-32.
2. District Caste Certificate Scrutiny
Committee, Akola, Reachers Officer,
Member Secretary, Collector Office,
Administrative Building, 2nd Floor,
Akola. E-Mail : cvc2akola@gmail.com..

Respondents

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Shri P.R. Agrawal, Advocate for the Petitioner.
Shri V.A. Thakare, Assistant Government Pleader for the
Respondents.

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CORAM : SMT. M.S. JAWALKAR, AND
PRAVIN S. PATIL, JJ.

DATED : 16th JUNE, 2025.

JUDGMENT [Per : Pravin S. Patil, J.]

1. **Rule.** Rule made returnable forthwith. By consent of the learned Counsel for the parties, the matter is taken up for final disposal.

2. By this petition, the petitioner by way of appropriate writ, order or direction seeking to quash and set aside the order dated 20.03.2024 passed by respondent no.2/District Caste Certificate Scrutiny Committee, Akola in Case No.ED-2023-01082423. The petitioner further seeks declaration that she belongs to caste of “Mochi” (Scheduled Caste) and consequently entitled for all benefits available to the candidates belonging to Scheduled Caste.

3. It is the case of the petitioner that respondent no.2–Caste Scrutiny Committee failed to consider the School Leaving Certificate of grandfather namely Fakirchand Maniklal Mochi dated 25.04.1951, Dakhal Kharij Register of Shri Shivaji High School Telhara showing entry in the name of Fakirchand Maniklal Mochi dated 25.04.1951 and extract of Kotwal Book issued by Tahsil Office, Telhara in favour of Mankalala

Mayaram showing son's name as Madanlal born on 11.05.1935, on the ground that the said documents do not establish the fact that the forefathers of the petitioner are the permanent residents of the State of Maharashtra. According to her, the said documents are itself prove the fact that her forefathers were resident of State of Maharashtra.

4. The respondent no.2 strongly opposed the submission of petitioner and stated that after furnishing aforesaid documents of the year 1951 and 1935 showing the caste as "Mochi", the Committee had requested the petitioner to submit the other relevant documents to substantiate her permanent residence in State of Maharashtra, but she failed to establish before the Committee by filing cogent documents that her forefathers are the permanent residence of the State of Maharashtra.

In respect of entry of Kotwal Book, it is stated that the petitioner failed to establish the relationship with Madanlal by producing the proper genealogical tree in the matter. Accordingly, the learned Assistant Government Pleader

appearing for respondent no.2 stated that the Committee, on the basis of available record, passed well reasoned order and, therefore, there is no need for interference in the present petition.

5. However, during the pendency of petition, the petitioner on 30.09.2024 filed additional affidavit in the matter, stating that the petitioner being a student and her father being a rustic person have no knowledge about the procedural and legal aspect required to be followed before the respondent-Committee. According to the petitioner, her father is a Cobbler by profession and due to his lack of knowledge, though the relevant documents were available, the same were not produced before the Committee. Hence, along with his reason, the petitioner has placed on record the four documents i.e. (i) the first document is pertaining to the entry dated 27.07.1925 which shows that the name of Mayaram Mochi, who is the great great grandfather (Khapar Panjoba of the petitioner), obtained from the office of Tahsildar, Telhara, (ii) the second document produced by the petitioner is regarding the birth entry of the son born to Manakram who is great grandfather (Panjoba of the

petitioner). The said entry is of dated 11.12.1938, (iii) the third document is a registered sale-deed dated 12.09.1934 executed in favour of Mayaram (Khapar Panjoba of the petitioner) by one Shivlal and (iv) the fourth document is the copy of registered sale deed dated 02.01.1937 executed in favour of Mayaram (Khapar Panjoba of the petitioner) by one Gaffar.

6. The perusal of above said documents, *prima facie* shows that the caste of forefathers of the petitioner is recorded as “Mochi”. All these documents produced by the petitioner are of pre-independence era and substantiate the fact that they were the residents of State of Maharashtra. It is further clear from the genealogical tree produced on record by the petitioner that Madanlal is the grandfather of the petitioner and Manaklal is the great great grandfather of the petitioner. The entries in the above said documents are in respect of these two persons.

7. It is pertinent to note that it is the specific case of the petitioner that she is the student and her father is a rustic person and cobbler by profession. As such, according to her, due to lack of knowledge, these documents are not produced

before the Caste Scrutiny Committee. It is further stated that if the available documents are not taken into consideration, she will be deprived from her lawful claim and benefits available to the candidates belonging to the Scheduled Caste.

8. Taking into consideration above said factual position, it will be justified to remand back the matter for afresh consideration to the Caste Scrutiny Committee by granting opportunity to the petitioner to produce all relevant documents before the Committee. The Committee can also verify the correctness and truthfulness of the documents which the petitioner wants to rely upon to prove the fact that she is resident of State of Maharashtra since pre-independence. In view of above, we are of the considered opinion, to meet the ends of justice, the following order will be justified in the matter.

ORDER

(i) The order dated 20.03.2024 passed by respondent no.2-District Caste Scrutiny Committee, Akola in Case No.ED-2023-01082423, is hereby quashed and set aside.

(ii) The matter is remanded back to the respondent no.2-District Caste Scrutiny Committee to decide it afresh within a period of three months from the date of production of this order.

(iii) The petitioner is directed to appear before the respondent no.2/District Caste Scrutiny Committee on **23.06.2025** with all relevant documents on which she has relied upon and Committee is further directed to consider the said documents and accordingly by granting hearing opportunity, decide the caste claim of the petitioner.

9. Rule is made absolute in the above terms.

(Pravin S. Patil, J.)

(Smt. M.S. Jawalkar, J.)