



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

WRIT PETITION NO.3760 OF 2018

Suman D/o Natthuprasad Singh, Ballarpur, Dist. Chandrapur

-VS-

The chairman, Divisional Caste Certificate Scrutiny Committee No.2, Chandrapur 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.

Shri S. R. Narnaware, Advocate for petitioner.

Shri S. S. Hulke, Assistant Government Pleader for respondent Nos.1 and 3.

Shri M. I. Dhatrak, Advocate for respondent No.2.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : May 07, 2025

P. C.

1. Heard.

2. The petitioner is questioning the order impugned dated 23/05/2018 whereby the caste-claim of the petitioner belonging to 'Khangar' Scheduled Caste came to be rejected.

3. Shri Narnaware, learned counsel for the petitioner has invited our attention to the validity issued in favour of the real brother of the petitioner viz. Shiobhola Nathuprasad Singh. According to him in view of the law laid down by the Division Bench of this Court in the matter of *Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and ors. 2010(6) Mh.L.J. 401*, the petitioner is entitled for relief of issuance of validity.

4. As against above, the learned Assistant Government Pleader would urge that the Committee has taken a decision to initiate the proceedings for cancellation of validity issued in favour of the real brother of the petitioner viz. Shiobhola Nathuprasad Singh and that being so, this Court should consider the adverse material which is formed to be the basis for rejection of the caste-claim.

It is urged that an admitted position about the origin of the petitioner's father is from Uttar Pradesh is suppressed and that being so, the claim was rejected.

5. When confronted, the learned Assistant Government Pleader is not in a position to demonstrate that proceedings are being taken for cancellation of validity certificate issued on 27/11/2011 in favour of real brother of the petitioner viz. Shiobhola Nathuprasad Singh.

6. As such the authoritative pronouncement in the matter of *Approva Nichale* (supra) would govern the case in hand and as such in such an eventuality the petitioner can be said to be entitled for similar treatment viz. blood relation i.e. the real brother Shiobhola being validity holder.

7. As such the order impugned dated 23/05/2018 refusing the prayer of the petitioner for grant of validity is hereby quashed and set aside.

It is directed that the petitioner be issued validity belonging to 'Khangar' Scheduled Caste within a period of eight weeks from the date of communication of this order by the petitioner.

8. However, we make it clear that in case if in future the caste-claim of the brother of the petitioner is cancelled, it shall be open for the Committee to approach this Court to review the present order.

The writ petition stands allowed in aforesaid terms.

No order as to costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)