



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

WRIT PETITION NO. 8007 OF 2022

PETITIONER

: Shakur Baig Yusuf Baig S/o Yusuf Baig
Mohammad, Aged 54 years, R/o Asir Colony,
(Near Salt Factory), Walgaon Road,
Tq. & Dist. Amravati.

VERSUS

RESPONDENTS

: 1] The District Caste Scrutiny Committee,
Amravati District, Amravati,
through its President.

2] The Commissioner,
Amravati Municipal Corporation,
Amravati.

Mr. N. S. Khandewale, Advocate for the petitioner
Ms. H. N. Jaipurkar, A.G.P. for respondent no.1

CORAM : SMT. M. S. JAWALKAR and
M. W. CHANDWANI, JJ.

DATE : DECEMBER 23, 2025.

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

1. **RULE.** Rule made returnable forthwith. Heard finally by
consent of the learned counsels appearing for the parties.

2. By this petition, the petitioner challenges the order dated
31.03.2021 passed by the respondent no.1 – District Caste Scrutiny

Committee, Amravati (hereinafter referred to as “the Committee”), thereby invalidating the caste claim of the petitioner that he belongs to “Lohar” (Nomadic Tribe-B). The caste claim of the petitioner has been invalidated mainly on the ground that word “Muslim” is suffixed to the caste mentioned in the documents submitted by the petitioners pertaining to his forefathers.

3. The petitioner claims to be belonging to “Lohar” (Nomadic Tribe-B), which is mentioned at Sr. No. 8 of the List of Tribes. After obtaining the Caste Certificate from the competent authority, the petitioner applied for validation of the caste claim before the Committee. Though, the Committee found that all the documents relied upon by the petitioner show the caste as “Lohar”, in some of the documents word “Muslim” is prefixed or suffixed to the Caste. Therefore, the caste claim of the petitioner has been invalidated.

4. It is pertinent to note here that in the family of the petitioner, the caste validity certificates have been granted to nearly ten blood relatives, more particularly his real brothers namely Iqbal Baig Yusuf Baig and Salim Baig Yusuf Baig. That apart, what we find is that “Muslim” is a religion and not a caste. Therefore, merely

because word “Muslim” is prefixed or suffixed to the Caste, the documents cannot be discarded.

5. A reference can be made to the decision in the case of *Apoorva Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and others*, reported at (2010) 6 Mh.L.J. 401 wherein, at paragraph 7, this Court has held as under :

“7. We thus come to the conclusion that when during the course of enquiry the candidate submits a caste validity certificate granted earlier certifying that a blood relation of the candidate belongs to the same caste as that claimed by the applicant, the committee may grant such certificate without calling for Vigilance Cell Report. However, if the committee finds that the earlier caste certificate is tainted by fraud or is granted without jurisdiction, the Committee may refuse to follow and may refuse to grant certificate to the applicant before it.

6. Since, the blood relatives of the petitioner are granted the caste validity certificates and there is nothing on record to show that those were obtained by playing fraud, the impugned order invalidating the caste claim of the petitioner is not only contrary to Rule 16 of the Maharashtra Scheduled Castes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes & Special Backward Category (Regulation of Issuance and Verification of) Caste

Certificate Rules, 2012 but also against the mandate laid down in the case of *Apoorva Vinay Nichale* (supra).

7. Insofar as the submission of the learned AGP that “Lohar” does not include “Muslim”, again at the cost of the repetition, it is to be noted that “Muslim” is not the caste, but it is a religion.

8. In view of the above, we find that the finding recorded by the Committee does not stand to the reason. The impugned order is required to be quashed and set aside.

9. Accordingly, the writ petition is allowed.

(i) The order dated 31.03.2021 passed by the respondent no.1 – District Caste Scrutiny Committee, Amravati in Case No. 526/2011, is quashed and set aside.

(ii) It is declared that the petitioner belongs to “Lohar” Nomadic Tribe-B.

(iii) The respondent no.1 - District Caste Scrutiny Committee, Amravati is directed to issue the Validity Certificate in favour of the petitioner within two months from the date of receipt of this order.

(iv) In the meanwhile, the petitioner can use this order as validation to his caste claim and can rely for taking benefits of the

caste claim.

10. Rule is made absolute in the aforesaid terms. The writ petition stands disposed of. No order as to the costs.

(M.W.CHANDWANI, J.)

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

Diwale