



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

WRIT PETITION NO.5417/2023

Rakesh S/o Daulat Tunkalwar,
aged about 20 Yrs., Occ. Service,
R/o At & Post Usegaon, Tahsil Saoli,
Distt. Chandrapur.

... Petitioner

- Versus -

The District Caste Certificate
Verification Committee, Chandrapur
through its Member Secretary,
office at Social Justice & Special
Assistance Department, Milk Diary
Road, Chandrapur 442 402.

... Respondent

Ms. Mugdha A. Mundle, Advocate for the petitioner.
Mr. H.D. Marathe, A.G.P. for the respondent.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 13.2.2025.

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Rule. Rule made returnable forthwith. Heard finally with
the consent of learned Advocates for the parties.

2. The petitioner is challenging the order dated 9.9.2022 passed by the Caste Scrutiny Committee invalidating the caste claim of petitioner belonging to Zade (Nomadic Tribe-C).

3. The petitioner belongs to caste Zade which is included in the list of NT-C category in the State of Maharashtra. The petitioner had obtained a caste certificate for Zade NT-C issued by the Sub-Divisional Officer, Mul, District Chandrapur on 13.9.2021. Caste certificate of petitioner was forwarded to respondent Committee for verification. The respondent Committee has invalidated the caste claim by order dated 9.9.2022. The petitioner had filed documents of 1927-1928 school leaving certificate issued in favour of his great-grandfather Shiva Ramdas mentioning as 'Zadya', school leaving certificate of his father Daulat 22.7.1999 and his school leaving certificate dated 21.6.2019.

4. The respondent Committee directed the Vigilance Cell enquiry. Vigilance Cell recorded statements of witnesses who

confirmed that the family of the petitioner belongs to Zade caste. The report of Vigilance Cell was supporting the claim of the petitioner.

5. After the first Vigilance Cell enquiry, the respondent committee directed second Vigilance Cell enquiry in case of petitioner in view of complaints filed by Dhangar Caste Officers and Employees Organization. The said organization has raised the objection pertaining to the claim of members of Zade caste for NT-C category. The second Vigilance Cell enquiry report was submitted on 31.3.2012. The petitioner had submitted his reply to vigilance cell report. The caste claim was rejected on the ground that the petitioner has failed to prove that he belongs to caste Zade (Dhangar). Hence he has filed the instant writ petition.

6. The respondent Committee has filed affidavit-in-reply and denied the contents in the petition and stated that as the

petitioner failed to prove the caste Zade Dhangar and has failed to prove that the validity certificate which belongs to one Datta Doma Dunkulwar is related to him and, therefore, the caste claim is rightly rejected by the respondent Committee.

7. On perusal of record it appears that as per the Government Resolution dated 17.1.1990 Dhangar caste includes Zade but the condition was that the person from the family of Zade must go from village to village for raising goats and sheeps and migrate from village to village for the said purpose. Said condition came to be deleted vide Government Resolution dated 6.8.1992. In both the Government Resolutions it is not mentioned that it is mandatory to suffix Dhangar after the caste Zade. The caste of petitioner was not invalidated on the ground that he does not belong to caste Zade but on the ground that Dhangar is not mentioned after caste Zade. The vigilance report supports the claim of the petitioner that he belongs to caste Zade of NT-C. The decision of Research Officer dated 9.9.2022 is in favour of

petitioner to which the Deputy Commissioner and Chairman of the Committee were not agreeable and, therefore, they have given separate decision by which the claim of Zade Dhangar is rejected by the Committee.

8. On perusal of the order passed by the respondent Committee it appears that the Committee relied on the Government Resolution dated 18.4.1986 which is not filed on record. Though the Committee has not disputed documents showing that the petitioner belongs to Zade Caste again Committee has stated that it is not mentioned as Dhangar after caste Zade. According to respondent Committee Zade is the sub-caste of Dhangar and, therefore, the caste claim of the petitioner is invalidated. On perusal of the Government Resolution dated 6.8.1992 it is not mentioned that it requires to suffix Dhangar to Zade caste. Nothing is there to reject the caste claim of the petitioner. Hence we pass the following order:-

9. The impugned order dated 9.9.2022 passed by the respondent Committee is quashed and set aside.

The respondent Committee is directed to issue validity certificate in favour of the petitioner as Zade NT-C as expeditiously as possible and in any case, within a period of four months from today.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)