



720-J-WP-6961-19

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

WRIT PETITION NO.6961 OF 2019

Ku. Anjira Premlal Shende

Aged 57 Years, Occupation: Assistant Teacher,

R/o C/o Nilesh Dhyaneshwar Taywade

Post at Benoda Shahid, Tq. Warud,

District Amravati-444908

... Petitioner

-vs-

1. District Caste Certificate Scrutiny Committee,
Bhandara Through its Member-Secretary,
Dr Babasaheb Ambedkar Social Justice Bhavan,
Bhandara 441904

2. Zilla Parishad, Amravati
Through Chief Executive Officer
O/A Zilla Parishad, Court Road Kanta Nagar,
Camp, Amravati-444602

... Respondents

Ms Ashwini Uikey, Advocate h/f Shri Nihalsingh Rathod, Advocate for
petitioner.

Smt K. S. Bhondge, Assistant Government Pleader for respondent No.1.

Shri D. M. Kale, Advocate for respondent No.2.

CORAM : NITIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : April 08, 2025

Oral Judgment : (Per : N. W. Sambre, J.)

Rule. Heard finally with consent of learned counsel for the
parties.

Challenge in the petition is to the order dated 04/09/2019
whereby caste-claim of the petitioner belonging to 'Otari' NT-B
category came to be invalidated.

2. Submission are the nephew of the petitioner viz. Umakant Ishwari Shendey was granted validity which is produced at Annexure-D (page 17 to the petition). Though the said document claimed to have been enclosed with Form-8 before the Committee, the same is not considered and dealt with in the impugned order. It is brought to our notice that in the affidavit the relation with said Umakant Ishwari Shendey is demonstrated and in that view of the matter it is claimed that the proviso to sub-rule (6) of Rule-5 of the Maharashtra Scheduled Caste, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012 will be attracted which reads thus :

“ Provided that, if validity certificate of the father in blood relation or real uncle or any other relative of the applicant in blood relation from paternal side granted by the Scrutiny Committee has been submitted by the applicant, the Competent Authority shall issue Caste Certificate without asking for any other documents or proof by considering that validity certificate as an important evidence.”

3. As against above, the learned Assistant Government Pleader would urge that the said document was never produced with the application and as such could not be placed on record. As such it is urged that the Committee had no occasion to deal with the said document viz. validity of blood relation.

4. We have considered the submissions.

We have perused Form-8 which is available in the original record of the Committee. It depicts that the petitioner has attached the validity of her nephew Umakant Ishwari Shendey along with her application. Apart from above, the relation with Ishwari is reflected in the affidavit of the petitioner which is part of the record of the Committee. The said affidavit was sworn on 06/04/2015.

5. As such it was expected of the respondent-Committee to deal with the validity of nephew of the petitioner viz. Umakant as the Committee ought to have demanded the said document from the petitioner.

6. In view of the above, the order of the respondent-Scrutiny Committee is not sustainable as the validity of the alleged blood relation is not looked into by it.

7. That being so, the order dated 04/09/2019 is hereby quashed and set aside.

8. The petitioner is permitted to appear before the respondent Scrutiny Committee on 28/04/2025 along with true copy of the

validity issued in favour of her nephew Umakant Ishwari Shendey which is produced at Annexure-D, page 17 to the petition.

9. Apart from above, we also permit the petitioner to submit an explanation to the Vigilance Cell report copy of which can be collected by the petitioner from the office of the respondent-Committee.

10. The Committee thereafter shall deal with the issue canvassed by the petitioner and decide the claim within a period of six months thereafter.

Rule is made absolute in aforesaid terms with no order as to costs.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)