



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

WRIT PETITION NO. 2049 OF 2024

Suzain D/o Hasan Shah,
Aged about 18 years, Occ.- Student,
R/o. Plot no. E 35, Yashodhara Nagar,
Pili Nadi, Uppalwadi, Nagpur-440026.

.... **PETITIONER**

// VERSUS //

- 1) **The State of Maharashtra,**
Through its Secretary,
Tribal Welfare Department,
Mantralaya Mumbai-32.
- 2) **District Caste Verification and
Scrutiny Committee,**
Wardha Division, Wardha
through its Chairman/Member.

.... **RESPONDENTS**

Mr. S. S. Dhengale, Advocate for Petitioner.
Mr. A. M. Joshi, Assistant Government Pleader for
Respondent Nos.1 and 2.

**CORAM : MRS. M. S. JAWALKAR AND
RAJ D. WAKODE, JJ.**

DATE ON RESERVING THE JUDGMENT : 10.09.2025.
DATE ON PRONOUNCING THE JUDGMENT : 03.11.2025.

JUDGMENT : (Per – M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule made returnable forthwith. Matter is taken up for final hearing at the stage of admission by consent of the parties.

2. The Petitioner, by this petition, is challenging the order dated 05/07/2023 passed by the Respondent No. 2 - District Caste Verification and Scrutiny Committee, Wardha (hereinafter referred to as “the Scrutiny Committee”) whereby the caste claim of the Petitioner of belonging to “Chhaparband” Vimukta Jati (A) Tribe came to be invalidated.

3. The contention of the Petitioner is that, she was pursuing her education at Shri Qidwai Junior College, Nagpur and she has completed her education of 12th standard in Science stream through the aforesaid college and her caste claim was forwarded through her college to the Scrutiny Committee. It is further contended that the Sub Divisional Officer, Arvi has issued the Caste Certificate dated 21/10/2022 in favour of the Petitioner as she belongs to ‘Chhaparband’ Tribe, which is recognized as Vimukta Jati (A) at Serial No. 14 under the Government Resolution No. CBC/1361-M dated 21/11/1961.

The Petitioner has filed 08 documents before the Scrutiny Committee in order to prove her tribe claim. The father of Petitioner has also submitted the genealogical tree of the forefathers of the Petitioner by virtue of submitting the affidavit sworn before the Executive Magistrate, Nagpur dated 02/12/2022.

4. The Petitioner further contended that she has submitted the School Leaving Certificate of her father dated 19/09/1995 and caste validity certificate issued to her uncle by the Member Secretary & Research Officer, Caste Certificate Scrutiny Committee, Nagpur Division, Committee No.3, Nagpur dated 01/11/2010. The Petitioner has also submitted a School Leaving Certificate of her grandfather dated 25/08/2020 which shows that he was admitted to school on 29/04/1959 and left the school on 31/07/1961. The Petitioner also submitted the copy of sale-deed of land by Survey No.3/3/C, dated 07/03/1944 which was possessed by the great great great grandfather of the Petitioner namely Jamal Shah. The Petitioner also has the copy of Birth Register of the great grandfather of

year 1920-21, which shows the entry in the name of Jamal Shah Fakir.

5. The Petitioner further submitted that as per the Government Resolution dated 05/01/1999, the persons who are having the words 'Fakir' and 'Shah' in their names as a suffix are treated to be Chharparband Muslim persons and shall be given the validity of the V.J. (A). The law governing the Muslim community and particularly 'Shah' and 'Fakir' for treating them as Chhaparband V.J.(A) is explained in the Government Resolution dated 29/06/2006. It is the contention of the Petitioner that the Respondent – Scrutiny Committee, by its order dated 05/07/2023, has invalidated the caste claim of the Petitioner without application of mind and proper inquiry, and therefore, the impugned order needs to be set aside

6. The learned Counsel for Petitioner, in support of his contentions, relied on the following citations:

(i) ***Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & Ors.***, reported in ***2010(6) Mh.L.J. 401***;

- (ii) **Writ Petition No. 4575/2023**, *Zaid S/o. Sadique Shah Vs. The State of Maharashtra & Anr.*, dated 19/06/2024;
- (iii) **Writ Petition No.920/2021**, *Asra Fatema d/o Zakir Ali Ahmed Vs. State of Maharashtra & Anr.*, dated 13/10/2022;
- (iv) **Writ Petition No.7472/2022**, *Ajiyan Tauhid S/o Vahid Shaha Vs. State of Maharashtra & Ors.*, dated 03/11/2023;
- (v) **Writ Petition No.94/2023**, *Saniya d/o. Sikandar Shah Vs. District Caste Certificate Scrutiny Committee, Wardha*, dated 17/07/2023;
- (vi) **Writ Petition No.309/2021**, *Ku. Pallavi d/o. Rajendra Dardemal Vs. The Vice-Chairman/Member Secretary Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur & Ors.*, dated 20/07/2022;
- (vii) **Writ Petition No.6207/2022**, *Bushara D/o Abdul Fahim Vs. State of Maharashtra & Anr.*, dated 20/12/2023;
- (viii) **Writ Petition No.4615/2022**, *Alvina Aqdas Shah D/o Mohammad Shakil Shah Vs. State of Maharashtra & Ors.*, dated 20/12/2023;
- (ix) **Writ Petition No.4614/2022**, *Shifa Aliya Azhar Iqbal Vs. State of Maharashtra & Anr.*, dated 19/12/2023;

(x) **Writ Petition No.7967/2019**, *Khushbu D/o Naser Shah Vs. The State of Maharashtra & Anr.*, dated 05/11/2020; &

(xi) **Writ Petition No. 5163/2018**, *Ms. Iftesam D/o Rajjak Shaha vs. State of Maharashtra & another*, dated 16/10/2019.

7. On the contrary, the learned AGP contended that after conducting an inquiry, it was revealed that in the School Leaving Certificate dated 19/09/1995 of Petitioner's father - Hasan Satrarsha Fakir, which was issued by Panchsheel High School, Nagpur, the 'race' and 'caste (with sub-caste)' was recorded as Musalman. In the School Leaving Certificate (duplicate) dated 25/08/2020 of the Petitioner's grandfather, Sattar Turabsha (in which the date of birth is mentioned as 16/07/1952) which was issued by Uccha Prathamik Kendra Shala, Panwadi, Tahsil Arvi, District Wardha, the caste recorded was "FAKIR".

8. Learned AGP further contended that at any rate and in any event, the entry of tribe "Chhaparband" was nowhere recorded in any of the documents pertaining to the ancestors of

the Petitioner and after the issuance of notice to the Petitioner, she failed to produce even a single documentary proof in the nature of an entry from either revenue and/or educational records showing that the tribe of any of her ancestors was recorded as “Chhaparband” prior to the deemed date i.e. 21/11/1961.

9. Learned AGP further contended that the Petitioner has also not placed on record before the Respondent – Scrutiny Committee copy of the validity certificate dated 01/11/2010 which was issued to her paternal uncle, Abdul Mehboob Shah S/o Abdul Bashir Shah, and therefore, the Petitioner failed to discharge the burden of producing documents in support of her claim as she belonging to Chhaparband VJ.(A) tribe.

10. The learned AGP for the Respondent – Scrutiny Committee further contended that in the peculiar facts and circumstances of the present case, permitting the petitioner who belongs to “Fakir” Caste (OBC) to apply for a seat reserved for a candidate belonging to “Chhaparband” Caste (VJ-A) would be

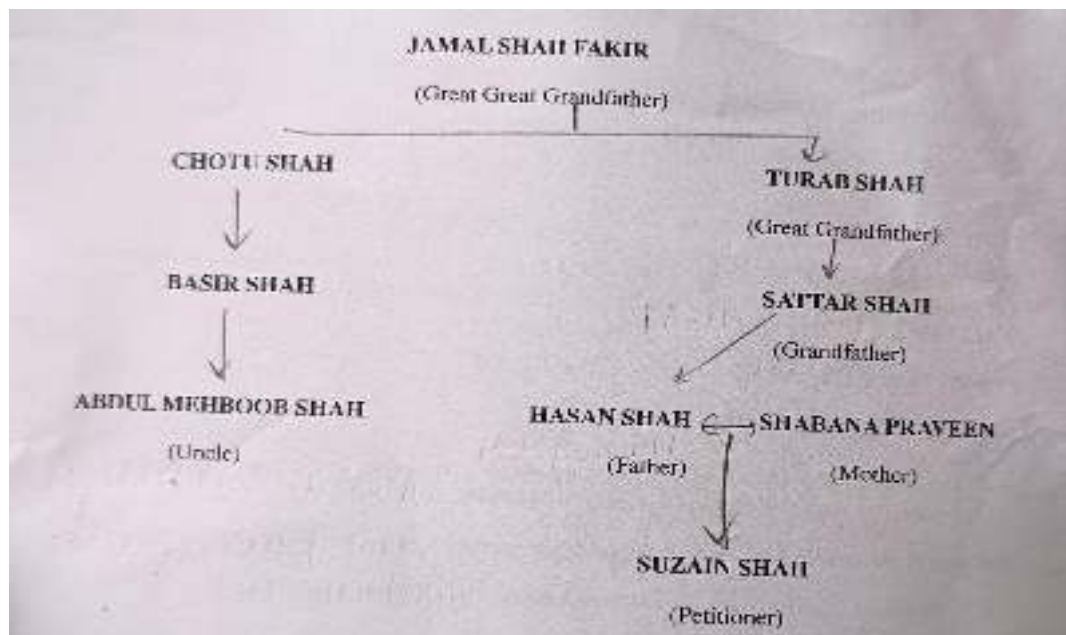
akin to depriving a genuine candidate belonging to Vimukta Jati, a chance to claim the benefit of constitutional reservation and would defeat and frustrate the very scheme of reservation. Hence, the Petition, being devoid of merits, needs to be dismissed.

11. The learned AGP for the Respondent – Scrutiny Committee, in support of his contentions, relied upon the following Citations:

- (i) ***Raju Ramsing Vasave Vs. Mahesh Deorao Bhivapurkar & Ors.***, reported in ***(2008) 9 SCC 54***;
- (ii) **Writ Petition No.2871/2024**, *Sakshi D/o Govindrao Narnaware Vs. The Schedule Tribe Caste Certificate Scrutiny Committee, Nagpur*, dated 09/09/2024;
- (iii) **Writ Petition No.2999/2024**, *Ansh S/o Kiran Gharat Vs. The Schedule Tribe Caste Certificate Scrutiny Committee, Nagpur*, dated 22/11/2024;
- (iv) ***Navneet Kaur Harbhajansing Kundles alias Navneet Kaur Ravi Rana Vs. State of Maharashtra***, reported in ***2024 SCC OnLine SC 494*** and
- (v) ***Mangesh Nivrutti Kashid Vs. District Collector, Satara & Ors.***, reported in ***2012(5) Mh.L.J. 473***.

12. Heard both the parties at length. Perused the record of the Caste Scrutiny Committee with the assistance of Assistant Government Pleader and considered the citations relied on by both the parties.

13. The contention of the Petitioner is that she belongs to 'Chhaparband' Tribe which is recognized as Vimukta Jati (A) at Sr. No.14 under the Government Resolution No. CBC/1361-M dated 21/11/1961. For the sake of convenience, the genealogical tree of the Petitioner is reproduced as under:-



14. The Petitioner has produced on record the School Leaving Certificate of her father dated 19/09/1951, the caste

validity certificate issued to her uncle by the Member Secretary and Research Officer, Caste Certificate Scrutiny Committee, Nagpur Division, Nagpur dated 01/11/2010 showing his tribe as 'Chhaparband'. She has placed on record the School Leaving Certificate of her father which shows that he was admitted in the school on 29/04/1959 and left the school on 31/07/1961. She has placed on record land Survey No. 3/3/C dated 07/03/1944 which was possessed by the great great great grand father of the Petitioner namely Jamal Shah. Apart from this, she has also placed on record birth register of her great great great grand father of the year 1920-21 which shows the entry in the name of Jamal Shah Fakir.

15. It is a matter of record that on 05/01/1999, after representation of the Shah Community to the Government, one Circular was issued by the Chief Secretary, Department of Social Welfare, Mumbai. By this Circular, the President of the Indian Chhaparband Muslim Samaj Sudharak, Jalgaon requested the Government that the persons against whom 'Shah' word is suffixed, they should be given the certificate of Muslim

‘Chhaparband’ and should be included in the Nomadic Tribes. After considering their request and giving a considered thought, the Government directed that whosoever is claiming to be a ‘Chhaparband’ Muslim, the certificate will be issued to them, after due verification whether there is Shah suffix to his/her name, so also verification of the documents of their relatives would be conducted as to whether there is any such entry of ‘Shah’. In the said Circular, it is also mentioned that Fakir used to wander and used to circulate the fake currency. If any person is having such specific characteristic and proper evidence before the Competent Authority, they should be given that certificate of ‘Chhaparband’. However, apart from these persons, any other person using Shah as suffix, they should not be included in the ‘Chhaparband’ Tribe. It is also made clear that ‘Chhaparband’ is also a caste in Hindu religion and only those Muslims, who suffix Shah after their names and those who are having the relevant documents, are entitled to be granted the certificate of ‘Chhaparband’ Tribe. It is also a matter of record that the State Government on 20/03/1978 issued an order whereby the Government Resolution dated 21/11/1961 came to be amended

and Entry No. 14 is included in 1978 as “Entry No. 14-‘Chhaparband’ (including the Muslims).

16. The claim of the Petitioner came to be rejected on the ground that there is no ‘Chhaparband’ entry in the document prior to 1961. However, it needs to be noted here that in the birth extract dated 19/10/1949 issued by the District Collector, Wardha, it is stated that a male child by name Hasan Shah is born to Turab Shah Jamal Shah Fakir. It is the entry of the great grand father of the Petitioner and the caste is noted as ‘Fakir’. Insofar as the birth extract of 1920-21 is concerned, the same depicts that a male child is born to Jamal Shah Fakir. However, the same is rejected on the ground that the tribe therein was shown as ‘Fakir’. There is a Sale-Deed dated 07/03/1944 in the name of Jamal Shah Makbul Shah Siddhi Musalman. This document is discarded on the ground that the caste recorded in the said document is Musalman. However, it needs to be noted that there is no caste by name Musalman. Musalman is a person who belongs to Muslim religion.

17. The Caste Scrutiny Committee rejected the claim of the Petitioner on the ground that the Petitioner has failed to produced the documentary evidence depicting her tribe as 'Chhaparband' Vimukta Jati (A) prior to the cut off date i.e. 21/11/1961. In fact, the 'Chhaparband' entry was included in the year 1978. Therefore, the cut off date would be 1978 and not 1961. Thus, the only ground for rejection by the Caste Scrutiny Committee is that there is no entry of 'Chhaparband' prior to 21/11/1961. It is a matter of record that in Writ Petition No. 4506/2004, this Court, on 12/07/2010, directed the learned AGP to verify the circumstances and authority under which letter dated 29/06/2006 is issued by the Secretary, Government of Maharashtra. On 07/10/2010, the learned AGP stated on instructions from the Department of Social Justice, Cultural Affairs and Special Assistance that the Circular dated 29/06/2006 stands withdrawn and that an appropriate circular will be issued in accordance with the law. It was directed by this Court that as the number of matters on this point are pending with the Caste Scrutiny Committees, fresh circular shall be issued within a period of one week from the date of passing of

the order. However, no Circular was issued by the State Government.

18. Again, this Court, vide its order dated 27/01/2011 in Civil Application (W) No. 3272/2010 in Writ Petition No. 4506/2004 recorded the casual attitude of the State Government and directed to issue fresh Circular within 15 days. As these facts were not properly placed before this Court in Writ Petition No. 2802/2014, this Court recorded as under:-

“1. Learned counsel for the petitioner has pointed out Circular dated 23rd March 2011 issued by the Government of Maharashtra, through Social Justice and Special Assistance Department in supersession of the earlier letter dated 29th June 2006.

2. Letter dated 29th June 2006 was in the nature of guidelines and directions to the Caste Scrutiny Committees as to how caste claim in respect of “Chhapparband” caste should be decided and to issue validity certificate accordingly. The said letter though was issued by the Secretary in his personal capacity, was shown in the name of Government. That was quashed and set aside by this Court by judgment and

order dated 27th January 2011 passed in Writ Petition No. 4506 of 2004. It took about five years for the Government to withdraw the said letter dated 29.6.2006, but still it is this Court which was required to quash the said letter issued by the Secretary. In the meanwhile several certificates must have been issued as per the direction contained in the said letter dated 29th June 2006 for which the said officer was fully responsible.

3. Now, there is further development, in that, Shri J. N. Rathor, Joint Secretary, Social Justice and Special Assistance Department has issued Government circular dated 23rd March 2011. Thus, the said letter has now been replaced by Government circular dated 23rd March 2011. Reading the contents of said Circular, in items 1,2 and 3, it is clear that what was stated in letter dated 29th June 2006 has again been repeated in the circular except for issuing direction to act. However, we find that the act of issuance of circular dated 23.2.2011 clearly amounts to interference in the administration of justice since the Caste Scrutiny Committees are constituted in accordance with the State Act and not under the influence of the Government. Such Authorities are also called “quasi judicial authorities” whose orders are amenable only to the extraordinary writ jurisdiction

of this Court, that too, before the Division Bench and therefore, no Government has any authority to lay down guidelines as to how the caste claims should be decided by the committees constituted under the Act of 2001. the Committees have to function independently under the concept of independent judiciary. Such Authorities are also called “quasi judicial authorities” and, therefore, no Government has any authority to lay down guidelines as to how the caste claims should be decided by the committees.

4. We, therefore, call upon the Principal Secretary, Department of Social Justice and Special Assistance, Government of Maharashtra to clarify the stand of the Government as to whether the Government wants to continue with this Circular dated 23rd March 2011 or would like to withdraw it. Let the stand be communicated to this Court by 17th December 2014 failing which this Court will proceed to initiate contempt proceedings against the concerned Government officer....”

19. As per the order dated 07/10/2010, a statement was made by the learned AGP that the Circular dated 29/06/2006 stands withdrawn and that an appropriate circular will be issued

in accordance with the law. Having regard to this fact, the Government was directed to issue a fresh Circular within one week. However, there is no such order of quashing of the said letter dated 29/06/2006 by the Court. The said Circular was replaced by the Circular dated 23/03/2011. However, on perusal of the contents of the said Circular, this Court found that it is the same Circular as of dated 29/06/2006. Therefore, the State Government issued another Circular dated 16/02/2015. By that Circular, the earlier Circular dated 23/03/2011 has been withdrawn. The said Circular is taken on record vide order dated 18/02/2015.

20. Learned Counsel for the Petitioner relied on the judgment in **Apoorva Nichale (supra)** wherein this Court 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.”

21. Learned Counsel for the Petitioner, in support of his contention that if the earlier validity certificate was not vitiated by fraud or without jurisdiction, the Committee cannot refuse to grant certificate to the Petitioner, relied on Writ Petition No. 920/2021, wherein this Court, in Paragraph No. 14, held as under:-

“14. Here in the present case, the validity certificate was issued to the real uncle of the petitioner. It is nowhere the contention of the Committee that the earlier caste certificate is obtained by fraud or is granted without jurisdiction. As there is no observation that the earlier caste validity certificate is vitiated by fraud or without jurisdiction, the Committee cannot refuse to grant certificate to the petitioner. As observed above, in the present case, the Committee nowhere observed that the uncle of the petitioner had obtained caste validity certificate by playing fraud or that grant of certificate was without jurisdiction. On the contrary, it is evident that the validity certificate granted to the real

uncle was on the basis of the school leaving certificate of grandfather of the petitioner on which the petitioner is also relied upon.”

22. Similar issue was involved in the above Writ Petition. The Petitioner was having a validity certificate issued in favour of his paternal uncle. The tribes of her father and brother were also recorded as Chhaparband and tribe certificates were also issued to them by the Sub-Divisional Officer. The Scrutiny Committee rejected the claim of the Petitioner by assigning reason that the caste validity certificates issued to her uncle was prior to the decision of the Hon'ble Apex Court in **Kumari Madhuri Patil vs. Additional Commissioner, Tribal Development & others, (1994) 6 SCC 251**.

23. Learned Counsel for the Petitioner placed reliance on the judgment in **Writ Petition No. 5163/2018 (supra)** wherein this Court specifically observed in Paragraph Nos. 2 and 3 as under:-

“2. One of the principal grounds on which, the validity has been rejected to the petitioner is that the

documents, which were of the period prior to 1961 did not establish conclusively the claim of the petitioner, as he belonging to “Chhaparband” (denotified tribe). The Committee found that there was a birth certificate extract of one Mehboob Shah Fakir dated 4.2.1936 and the name Fakir, in the opinion of the Committee, was indicative of the caste of that person to be Fakir. The Committee held that Fakir caste is included in the category of other backward classes and, therefore, the Committee was of the view that caste certificate produced before it could not be validated by it.

3. In the present case, apart from pre-1961 documents, there were also two important documents, which according to us, ought to have been appropriately considered by the Committee. But, the Committee has given no importance to these two documents. These two documents are in the nature of the validity granted on 24.1.2006 to one Fakir Rajjak Shah by Nagpur Scrutiny Committee. This certificate shows that Fakir Rajjak Shah has been held to be of “Chhaparband” (denotified tribe). This person, without any dispute, is the father of the petitioner. The second document is also of validity granted to one Ramiz Rajjak Shah on 29.11.2012 by Nagpur Scrutiny Committee. Ramiz Rajjak Shah is

the real brother of the petitioner and there is no dispute about the relationship. Ramiz Rajjak Shah was earlier rejected validity by the Scrutiny Committee but, he approached the High Court challenging the rejection. This Court, by judgment rendered in Writ Petition No.1399/2012 dated 18.10.2012 held that this Court in catena of judgments, including the case of Apporva, has found that when in a caste claim of relatives of the applicant, validity is granted, denial of the same to the applicant would be unsustainable. Accordingly, this Court directed that the validity certificate be issued to Ramiz Rajjak Shah.”

(emphasis supplied)

24. Learned Counsel for the Petitioner also placed reliance on the judgment in **Writ Petition No. 4575/2023 (supra)**. This Court, in the said matter, relying on the judgment in **Apoorva Nichale** and also the judgment in the case of Ms. **Iftesam D/o Rajjak Shaha vs. State of Maharashtra in Writ Petition No. 5163/2018**, held as under:-

“5. In view of the judgment in *Apoorva Nichale*, it is held that, in caste claim of the relatives of the applicant, validity is granted, denial of the same to the applicant would be unsustainable. It is

held in the case of Ms. Iftesam D/o. Rajjak Shaha V/s. The State of Maharashtra and another in Writ Petition No. 5163/2018 that, “as the validity already exists in the family of the petitioner and it is necessary to avoid any anomalous situation arising, we are of the view that even this petitioner would be entitled to receive the validity of his tribe claim from the Scrutiny Committee.” It is the matter of record that the tribe ‘Chhapparband’ was declared to be a de-notified tribe in the year 2006 and the deemed date for this de-notified tribe was determined to be 21/11/1961.....

6. It is not the case of the Committee that, certificates issued in favour of the blood relatives of the petitioner were obtained by playing any fraud or misrepresentation. In view of the earlier letter and Circular issued by the Government, the said certificates were issued to the blood relatives of the petitioner.”

25. Learned Counsel for the Petitioner relied on several judgment passed by this Court in various Writ Petitions. To avoid repetition, we do not wish to discuss every decisions in Writ Petitions wherein similar view is taken by this Court.

26. This Court in **Writ Petition No. 5163/2018 (supra)**, after discussing the manner in which the whole issue has been dealt with by the State of Maharashtra, observed as under:-

“5. This Court then observed that the said letter though issued by the Secretary in his personal capacity, was shown in the name of Government. This Court then also found that the letter dated 29.6.2006 was quashed and set aside by this Court in judgment and order dated 27.1.2011 passed in Writ Petition No.4506/2004.....

6. It is seen from the Circular dated 16.2.2015 that now the Government has taken its stand in the matter and accordingly has withdrawn the Circular dated 23.3.2011. But, while doing so, the Government also has taken its stand regarding validity certificate already granted to the various persons before 16.2.2015. The Circular dated 16.2.2015 is silent on this aspect of the matter. We are of the view that the State of Maharashtra must decide its further course of action as regards the validity certificate already granted to different persons on the basis of 2006-letter and subsequent Circular. We hope that in future, definite decision would be taken by the State of Maharashtra.”

27. Learned AGP argued before this Court in the said matter that there was no vigilance enquiry or report in respect of the earlier validity certificate issued. This Court, observed that the argument cannot be accepted for the simple reason that one of the validity certificates has been issued only after a direction was given by this Court and in such a case, the question of presence or absence of the vigilance enquiry would never arise.

28. The learned AGP vehemently submitted that once the Circular in question was withdrawn by the Circular of 2015, the earlier Circular becomes nullity and the certificates issued would also to be treated as nullity. He relied on the judgment in **Raju Ramsingh Vasave (supra)** in support of his contention that though the certificates were issued in favour of the paternal relative of the Petitioner, those were issued without jurisdiction, and therefore, the principle of res-judicata will not apply. However, there is no declaration about nullity. The Circular was withdrawn by the State.

29. In view of the above law position and as the validity certificates was already issued in favour of the paternal relative of the Petitioner, the Petitioner is also entitled to get the validity certificate of 'Chhaparband' Tribe. Even if the communication of 2006, which is just the guidelines for issuance of certificate of Chhaparband in respect of the Muslim persons having entry of Fakir in his old documents and surname 'Shah', this letter is withdrawn after period of 9 years in 2015. Till then, there was no clear guidelines or Circular by the State Government either to the Scrutiny Committee or to the Competent Authority for issuance of caste certificate. Needless to mention that there was earlier Circular dated 04/01/1999 is neither superseded nor cancelled.

30. This Court, in Writ Petition No. 5163/2018, specifically observed that the State Government has not taken any stand in respect of the validity certificate already granted to the different persons on the basis of the letter dated 29/06/2006 and subsequent Circular. While withdrawing the Circular, the Government also has not taken its stand regarding the validity

certificate already granted to the various persons before 16/02/2015. The Circular dated 16/02/2015 is silent on this aspect of the matter. Therefore, the State Government must decide the further cause of action as regards the validity certificate already granted to the different persons. In spite of this observation, the State of Maharashtra has not taken any decision on that. The learned AGP vehemently submitted that the communication on the basis of which such certificate are issued, the same came to be withdrawn. In view thereof, the certificates issued are without jurisdiction and nullity in the eyes of law.

31. In our considered opinion, there has to be a specific order declaring that these certificates are cancelled or nullity by the State of Maharashtra. Till then, the persons having the validity certificates in favour of their blood relatives, they cannot be denied the certificate of belonging to Chhaparband Tribe.

32. Hence, we proceed to pass following order:-

- (a) The Writ Petition is **allowed**.
- (b) The order dated 05/07/2023 passed by the Respondent No. 2 – District Caste Certificate Verification and Scrutiny Committee, Wardha in Case No.JJPPS/Wardha/WR/ED-1/876519/23/SUZAINSH AH/910/2023 dated 27/07/2023 is hereby quashed and set aside.
- (c) It is declared that the Petitioner has duly established that she belongs to Chhaparband Vimukta Jati (A) Tribe. The Scrutiny Committee is directed to issue validity certificate to the Petitioner as she belongs to Chhaparband Vimukta Jati (A) Tribe, within a period of eight weeks.
- (d) The Petitioner can rely on the copy of this judgment until the validity certificate is issued to her.

Rule is made absolute in the above terms.

Pending Application(s), if any, stand(s) disposed of.

(RAJ D. WAKODE, J.)

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