



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

WRIT PETITION NO. 900 OF 2025

Aayesha Bano Mohammad Iqbal

Vs.

State of Maharashtra, through Secretary, Department of Social Justice and Special
Assistance & Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. J.B. Gandhi, Counsel for the petitioner.

Mr. N.S. Rao, Assistant Government Pleader for the respondents.

CORAM : ALOK ARADHE, CJ. AND NITIN W. SAMBRE, J.

DATE : 25th FEBRUARY, 2025.

P.C.

1. Heard.

2. **Rule.** Rule made returnable forthwith. The writ petition is heard finally with the consent of the learned counsel appearing for the parties.

3. The challenge in this petition is to the order of the respondent No.2 – District Caste Scrutiny Committee, Yavatmal, whereby the claim for issuance of validity came to be rejected *vide* order dated 15th October, 2024, communicated on 18th November, 2024.

4. The petitioner claims to be “Kacchi” OBC Class. It is the contention of the counsel for the petitioner that his blood

relation i.e. his cousin brother Mohd. Faizan Salim Noor holds a validity, which was produced before the Committee for consideration. According to him, in view of the law laid down by the Division Bench of this Court in the case of ***Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee and others reported in 2010 (6) Mh.L.J. 401***, as per the provisions of Rule 2(h) and Explanation (3) to Rule 16 of the Maharashtra Scheduled Castes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012, it is mandatory for the Committee to deal with the issue of the validity being issued in favour of the blood relation. As such, it is claimed that the order of the Committee suffers from non-application of mind as the validity produced in regard to the blood relation of the petitioner was not dealt with.

5. As against above, the learned Assistant Government Pleader Mr. Rao would urge that the matter be sent back for reconsideration to the Committee as the Committee is duty-bound in law to consider the validity issued in favour of the blood relation in the backdrop of the judgment of the Division Bench of this Court in the case of ***Apoorva d/o. Vinay Nichale*** (supra). However, Mr. Rao, learned Assistant Government Pleader would urge that the petitioner must establish that the validity holder is in her blood relation.

6. In the backdrop of the rival claims, the document about the validity certificate in relation to the alleged blood relation was produced on record of the Committee and also not disputed by the other side.

7. In such an eventuality, it was expected of the Committee to deal with the issue sought to be canvassed as regards the validity being issued in favour of the blood relation of the petitioner, which was produced before the Committee, in view of Explanation (3) to Rule 16 of the Rules of 2012.

8. The non-consideration of such documentary evidence prompts this Court to observe that the order of the Committee suffers from non-consideration of the documents, which goes contrary to the scheme of Article 14 of the Constitution of India and such act of the Committee amounts to denial of opportunity of hearing.

9. In that view of the matter, we deem it appropriate to quash and set aside the impugned order dated 15th October, 2024, passed by the respondent No.2 - Committee (referred supra).

10. We permit the petitioner to appear before the Committee on 10th March, 2025 along with the written notes of arguments and the documents which she intends to rely on.

11. The Committee shall consider the explanation tendered by the petitioner along with the documents and shall proceed to evaluate the claim in the backdrop of the aforesaid observation viz. the holder of the validity being the blood relation of the petitioner, and decide the same in accordance with law, in any case, within a period of six months from the date of appearance of the petitioner before it.

12. The petition stands **partly allowed**. Rule is made absolute in the aforesaid terms. No order as to costs.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)

Vijay