



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

WRIT PETITION NO. 3924 OF 2024

PETITIONER

: Satish S/o Shankarrao Barde
Aged 41 years, Occu. Labourer,
R/o Saikheda, Tah. Arvi, Dist. Wardha.

VERSUS

RESPONDENT

: District Caste Certificate Scrutiny Committee,
Wardha through its Chairman

Mr. Piyush S. Kadam, Advocate for the petitioner
Mr. J. Y. Ghurde, A.G.P. for the respondent

CORAM : SMT. M. S. JAWALKAR and
M. W. CHANDWANI, JJ.
DATE : NOVEMBER 25, 2025.

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

1. **RULE.** Rule made returnable forthwith.

2. The counsel for the petitioner submitted that he has already not pressed prayer clause (d) vide Court's order dated 26.08.2025. Considering the other prayers, by consent of the learned counsels appearing for the parties, the matter is taken up for final disposal.

3. The caste claim of the petitioner that he belongs to “Bhamti” (3-A), De-notified Tribes (Vimukta Jati)-(A) has been invalidated by the respondent –District Caste Certificate Scrutiny Committee, Wardha (hereinafter referred to as “the Committee” for short) vide impugned order dated 23.08.2023, which has been challenged by the petitioner in the present petition.

4. The petitioner claims that he belongs to “Bhamti” (3-A), De-notified Tribes (Vimukta Jati) (A), which is enlisted at Sr. No. 3 under the Government Resolution dated 21.11.1961. He applied for a house under EWS/LIG Scheme in the reserved category before Pune Metropolitan and Development Authority, Pune. He has been allotted a house/block in the said scheme. Therefore, the petitioner applied before the Committee for validation of his caste claim. The petitioner produced all the relevant documents belonging to himself as well as his father showing the caste as “Bhamti” (3-A), De-notified Tribes (Vimukta Jati)-(A). The petitioner also relied on the caste validity issued to his real brother namely Sandip Shankarrao Barde based on the same documents which the petitioner has presented before the Committee.

5. The Committee referred the matter to the Vigilance Cell for conducting enquiry. During the enquiry, the Vigilance Cell procured the document of birth entry extract of the grandfather of the petitioner namely Baliram Bhamti showing that a male child was born to him on 20.07.1928. Further, the Committee found that the document dated 13.10.1927 in the name of Bala Bhamti submitted by the petitioner along with the caste claim claiming him to be the cousin grandfather, was discarded on the ground that the said entry does not relate to the petitioner's family but was merely based out of a similar nomenclature. Consequently, the Committee rejected the contention that Bala Bhamti is the cousin grandfather of the petitioner. The Committee further opined that the petitioner produced false documents and by ignoring the caste validity granted to the real brother of the petitioner, invalidated his caste claim by the impugned order. Being aggrieved with this, the petitioner is before this Court.

6. We have heard Mr. P. S. Kadam, learned counsel appearing for the petitioner and Mr. J. Y. Ghurde, learned Assistant Government Pleader appearing for the respondent. We have also gone through the record.

7. The Committee has discarded the document of birth entry extract of Bala Bhamti, the cousin grandfather since Bala Bhamti does not appear to be related to the family of the petitioner. The Committee also discarded the extract of birth entry register of Baliram Bhamti, the grandfather which shows that a son i.e. father of the petitioner, was born to him on 20.07.1928. The petitioner was born in the year 1982 and considering the age gap of 56 years between the petitioner and his father, the Committee opined that the document produced by the petitioner was false. However, the Committee failed to consider the affidavit filed by the petitioner as well as the comments of the Vigilance Cell with regard to the two marriages performed by Shankar, the father of the petitioner wherein, it has been stated that the petitioner was born to the second wife of Shankar. That apart, the caste validity granted to the real brother of the petitioner by the same Committee based on the same documents has been discarded without any reason.

8. 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, it has been categorically held that if the candidate submits

the caste validities issued in the name of his blood relatives, then the Committee shall issue validity certificate to the candidate/petitioner.

9. Having found the oldest entry of a son born to Baliram Bhamti, the grandfather of the petitioner on 20.07.1928 as well as the documents post 1961 showing consistent entry of the caste of the petitioner and his brother as “Bhamti” (3-A), De-notified Tribes (Vimukta Jati)-(A) coupled with the fact that the caste claim of the real brother of the petitioner has been allowed by the same Committee, we are of the opinion that the findings recorded by the Committee while invalidating the caste claim of the petitioner are 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 as well as the mandate laid down in the case of *Apoorva Vinay Nichale* (supra). Therefore, the findings recorded by the Committee are required to be set aside.

10. Accordingly, the writ petition is allowed.

(i) The order dated 23.08.2023 passed by the respondent – District Caste Certificate Scrutiny Committee, Wardha, in case No. WR/Other/7508/22 is set aside.

(ii) It is declared that the petitioner belongs to “Bhamti” (3-A), De-notified Tribes (Vimukta Jati)-(A).

(iii) The respondent – Committee is directed to issue Caste Validity Certificate to the petitioner within a period of two months from the date of receipt this order.

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

(M.W.CHANDWANI, J.)

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

Diwale