



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

WRIT PETITION NO. 3989 OF 2024

Yug s/o Jayesh Chudasama,
aged 18 yrs, Occ. Education,
R/o. Nnakshai Wada,
Namuna Galli No.6,
Namuna Amravati,
Tq. Dist. Amravati

.....**PETITIONER**

...V E R S U S...

The District Caste Scrutiny
Committee, Amravati
through its Member/Secretary,
B Wing, First Floor,
Dr. Babasaheb Ambedkar
Sarwajanik Nyay Bhavan Camp Road,
Amravati 444 606, Tq.& Dist Amravati

.....**RESPONDENTS**

Mr. V.A. Kothale, Advocate for the petitioner,
Mr. A.M. Kadukar, AGP for respondent/State.

CORAM:- AVINASH G. GHAROTE, &
ABHAY J. MANTRI, JJ.

DATE : 08.05.2025

JUDGMENT (Per: Abhay J. Mantri, J.)

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

2. The challenge is raised to the order dated 27.04.2023,
passed by the respondent, the District Caste Scrutiny Committee,

Amravati (for short, “the *Committee*”), thereby invalidating the claim of the petitioner that he belongs to the ‘*Mochi*’ Scheduled Caste category.

3. The petitioner claims to belong to the ‘Mochi’ Scheduled Caste. Accordingly, on 07.01.2014, the Sub Divisional Officer, Amravati, issued a caste certificate in his favour. He was pursuing studies in 12th standard. To pursue further education, he submitted his caste certificate along with the documents to the High school. The Headmaster of the School forwarded the caste certificate along with documents to the Committee for verification.

4. The Committee was dissatisfied with the documents; hence, it forwarded the same to the Vigilance Cell for detailed enquiry. The Vigilance Cell thoroughly enquired into the matter and submitted its report to the Committee on 16.02.2023. Thereafter, the Committee called upon him to explain the adverse entries discovered during the vigilance enquiry, i.e. ‘Hindu Mochi’. The petitioner's father submitted an explanation to the Committee. After considering the Vigilance Cell report, explanation and documents on record, the Committee invalidated the petitioner’s claim of

belonging to the 'Mochi' Scheduled Caste as some adverse entries were discovered during the vigilance enquiry, hence, this petition.

5. Mr. Kothale, the learned counsel for the petitioner, vehemently argued that the petitioner, to substantiate his claim, has produced as many as nine documents on record, out of which one document of 1943 pertains to his cousin's grandfather, wherein his caste had been recorded as 'Hindu Mochi'. He submitted that Hindu is a religion, not a caste; therefore, the same could not be considered a prefix for the 'Mochi' caste. He also produced a validity certificate issued in favour of his cousin uncle Chetan and, therefore, urged that based on those documents, the petitioner is also entitled to the validity certificate. However, the Committee has not considered those documents and erred in observing that the petitioner failed to demonstrate his relationship with Chetan. In the document of 1943, caste was recorded as 'Hindu Mochi' and rejected; the said finding recorded by the Committee cannot be sustained in the eyes of the law; hence, he prayed for the petition to be allowed.

6. *Per contra*, Mr. Kadukar, the learned AGP, opposes the petition contending that the petitioner failed to prove his

relationship with Chetan, so also, in the document of 1943, caste has been recorded as '*Hindu Mochi*'. Thus, petitioner has failed to discharge the burden cast upon him as per Section 8 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act (for short, "*the Act*"), 2000. He further canvassed that the ancestors of the petitioner were residents of the Gujrat State; therefore, the petitioner cannot claim to be a member of the Scheduled Caste in Maharashtra. Thus, passing the order by the Committee is just and proper, and no interference is required; hence, he urges rejection of the petition.

7. We have considered the rival contentions of the parties and perused the impugned order and the record. We have also gone through the original record and returned it.

8. At the outset, it appears that the petitioner, to substantiate his claim, has produced nine documents on record, out of which the document at serial 7 is an extract of the School Leaving Certificate Register. We have perused the copy of the extract from the original record. It is apparent that said certificate pertains to his

cousin's grandfather, Nathalal Ramji. He was admitted to the Municipal Corporation school at Amravati on 23.05.1943 and left on 03.04.1950. In clause 2 of the certificate, the religion, as '*Hindu*', was mentioned in brackets, and the caste was recorded as '*Mochi*'. The Vigilance Cell also verified the School Leaving Certificate Register and found that Nathalal's caste was recorded as '*Mochi*' and his date of birth was mentioned as 25.08.1935; he was admitted to the school on 23.05.1943. The Vigilance Cell has neither disputed said entry nor disputed the caste recorded therein as '*Mochi*, and therefore, there is no reason to disbelieve said document.

9. The Vigilance Cell, during the enquiry, has found that the ancestors of the petitioner shifted to Amravati between 100 and 125 years ago and have been settled there permanently. It also recorded that Ramji had three sons, Nathalal, Haribhai, and Chhaganlal. Chhaganlal had one son, Chetan, who was a validity holder, and the petitioner is the grandson of Haribhai. The Vigilance Cell has not disputed Chetan's blood relation with the petitioner. Therefore, the finding recorded by the Committee appears to be contrary to the Vigilance Cell report, and based on the said findings, the order of invalidation cannot be sustained. However, Vigilance Cell and the Committee had erred in considering the said document and

observing that his caste was recorded as '*Hindu Mochi*'. On the contrary, it is apparent that the word 'Hindu' refers to a religion and caste that was recorded as '***Mochi***'. Moreover, Hindu is not a caste, but a religion, and therefore, the finding recorded by the Committee appears to be contrary to the facts on record. It can't be sustained in the eyes of the law. As against this, the Vigilance Cell found that the caste of the petitioner's cousin's grandfather was recorded as '***Mochi***' only. The said document is of the pre-constitutional era and therefore has greater probative value. The other documents produced by the petitioner pertaining to himself and his father, wherein their caste has been recorded as '***Mochi***' only. Before the committee, the petitioner also produced the validity certificate issued in favour of Chetan Chhaganlal, his cousin's uncle.

10. We have perused the Validity Certificate, which was issued on 12.04.2004. The Committee has neither challenged the said validity nor cancelled the same till this date, therefore, as per the law laid down in *Apoorva d/o Vinay Nichale vs Divisional Caste Certificate Scrutiny Committee No.1 and others (2010(6) Mh.L.J. 401 ("Apoorva Nichle")*, the petitioner's claim ought not to have been refused by the Committee but the same status shall have to be awarded to him that he belongs to '***Mochi***' Scheduled Caste.

However, the Committee vaguely observed that Chetan is not in a blood relationship to the petitioner. The Committee failed to consider the genealogical tree submitted by the mother of the petitioner along with Form-3 [(Rule 4(1)] of the Maharashtra Scheduled Caste Certificate (Issuance and Verification) Rules, 2003 (for short, “*the Rules*”).

11. Moreover, the relationship of the Petitioner with the Chetan, who has been granted the validity, is not disputed by the Vigilance Cell, also in the family tree, the name of Chetan is shown as a cousin-uncle of the petitioner therefore, as contained in explanation (3) to Rule (16) of the Rules 2012, we do not see any reason as to why the validity ought not to be granted to the petitioner, as the reasons for not relying upon the judgment of this Court as indicated above in respect of the relatives on the paternal side of the petitioner, do not commend us.

12. It is also necessary to note that the genealogical tree given before the Vigilance cell and the committee indicates that Nathalal Ramaji was the cousin-grandfather of the petitioner, who had taken admission in the school on 23.05.1943, wherein his caste was recorded as ‘*Mochi*’. Since the said document is not disputed, it

would, therefore, be apparent that the oldest entry in the family of the petitioner would prevail.

13. The next ground raised by learned AGP is that the forefathers of the petitioner were residents of the Gujrat State and therefore, he is not entitled to claim the caste validity for the caste '*Mochi*' in the Scheduled Caste Category of the Maharashtra State. We do not find substance in the said contention since the Vigilance Cell, during the enquiry, has found that the ancestors of the petitioner shifted to Amravati between 100 and 125 years ago and have been settled there permanently. Thus, it appears that prior to the pre-constitutional era, the petitioner's grandfather resided in Maharashtra. Secondly, in the Dang and Walsad districts of Gujarat State, the '*Mochi*' caste is classified in a Scheduled Caste category. It does not bring to record by the Vigilance Cell report that the petitioner's ancestors were non-residents of the Dang and Walsad districts. In the State of Maharashtra, the '*Mochi*' caste is classified as a Scheduled Caste. Therefore, we do not find substance in the argument of learned AGP in that regard.

14. Considering the aforesaid fact that the petitioner has produced pre-constitutional document of 1943 pertaining to his

cousin-grandfather and the validity certificate issued in favour of his cousin-uncle Chetan, in our view, as per the law laid down in various authorities by the Hon'ble Apex Court that pre-constitution era document has greater probative value and based on the dictum laid down in ***Apoorva Nichale*** (supra), the petitioner has discharged the burden cast upon him under Section 8 and demonstrated that he belong to '***Mochi***' Scheduled Caste.

15. In the backdrop of the above, we allow the petition. The impugned order dated 27.04.2023, passed by the respondent, the District Caste Scrutiny Committee, Amravati, is hereby quashed and set aside. It is hereby declared that the petitioner belongs to the '***Mochi***' Scheduled Caste. The respondent Committee is directed to issue a validity certificate to the petitioner within a period of six weeks from receipt of this order. Rule is made absolute in the above terms. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)