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

WRIT PETITION NO.1132/2025

(Mohd. Danish Mohd. Anis Qureshi Vs. District Caste Certificate Scrutiny Committee, Washim and another)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. Tushar U. Tathod, Advocate for the petitioner.
Ms. S.S. Jachak, Additional Government Pleader for respondent No.1.
Mr. Sawan S. Alaspurkar, Advocate for respondent No.2.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 2.4.2025.

P.C.

Heard.

2. The challenge is to the order dated 13.11.2024 passed by the respondent No.1-Committee whereby the claim for issuance of validity for the ‘Kasab’ caste recognized at Serial No.257 in the O.B.C. List in the State of Maharashtra came to be rejected.

3. In support of the claim, the petitioner has produced in all 9 documents before the Committee. The Committee was of the opinion that the entry was notified on 13.10.1967 and it is incumbent on the part of the petitioner to produce the documents prior to the said date i.e. 13.10.1967. Similarly, based on the caste entries in relation to his father and grandfather, the Committee discarded the Vigilance Cell Report, which was supporting the case of the petitioner and rejected the claim.

4. Our attention is invited to the entries of Kasab/Khatik in the record of the petitioner, his father, and grandfather. According to him, the Extract of Kotwal Book of 4.10.1939 in relation to his great-grandfather, the entry of ‘Musalman Kasab’ could be noticed.

As such, it is urged that the Committee has erred in rejecting the documentary evidence.

5. As against above, the learned Additional Government Pleader Mrs. Jachak would urge that it cannot be inferred from the available material on record that the petitioner belongs to 'Kasab' caste. It is urged by Mrs. Jachak, the learned Additional Government Pleader, that the petitioner is not entitled for the relief claimed as the petitioner has failed to discharge the burden and rightly so the Committee has discarded the Vigilance Cell Report and as such, the dismissal of the petition is sought.

6. We have considered the rival submissions.

7. The Committee in its impugned order has specifically observed that the synonyms of Kasab are Khatik, Kasasi, and Qureshi.

8. The caste Khatik is also informed to be notified as O.B.C.

9. In this background, if we consider the documentary evidence placed on record by the petitioner, it is in categorical terms established that there is an entry of Kasab along with Khatik in the record, wherefrom the entry of Musalman is noticed. It is to be noted that 'Musalman' is not a caste but the religion.

10. The fact remains that the Vigilance Cell Report has supported the claim of the petitioner, as on going through the documentary evidence it is seen that the Extract of Kotwal Book is in relation to birth of Abdul Kadar Shaikh Ibrahim great-grandfather of the petitioner of 4.10.1939 which supports the case of the petitioner which was without any basis discarded. The Committee while discarding the said oldest documentary evidence disbelieved the Vigilance Cell Report and has relied on the disparities in the entries.

Even if the adverse entries are considered, still 'Khatik' is stated to be notified in O.B.C. in relation to the State of Maharashtra, which fact is borne out of the record. That being so, the claim of the petitioner that he belongs to caste 'Kasab' is established by the petitioner by discharging the burden under Section 8 of the Maharashtra Scheduled Caste, 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, 2000.

11. In this background, the order impugned dated 13.11.2024 cannot be said to be sustainable and as such, it is quashed and set aside. It is declared that the petitioner belongs to 'Kasab' caste (O.B.C.) and is entitled for being issued validity certificate which should be issued within two weeks from today.

12. Writ petition is disposed of in the above terms.

(MRS.VRUSHALI V.JOSHI, J.) (NITIN W. SAMBRE, J.)

Tambaskar.

Signed by: MR. N.V. TAMBASKAR
Designation: PA To Honourable Judge
Date: 04/04/2025 14:30:22