



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION No.956 OF 2026

Ku. Mishqat Fatema Sadique Shah
D/o Sadique Ahmad Mohammad Yusuf,
Age 18 years, Occu: Student,
R/o. Janta Colony Near Bari Hospital,
Jabib Nagar, Amravati Dist. Amravati. : PETITIONER

...VERSUS...

1. The State of Maharashtra,
Through it's Secretary,
Tribal Welfare Department,
Mantralaya, Mumbai : 32.
2. District Caste Verification and
Scrutiny Committee,
Amravati Division, Amravati,
through its Chairman/Member. : RESPONDENTS

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Mr. S.S. Dhengale, Advocate for Petitioner.

Mr. N.R. Patil, Assistant Government Pleader for Respondents.

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CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.

RESERVED ON : **07th APRIL, 2026.**

PRONOUNCED ON : **20th APRIL, 2026.**

JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally
with the consent of the parties.
2. The petitioner has filed the present petition challenging
the order dated 15.09.2025 passed by respondent No.2 District

Caste Verification and Scrutiny Committee, Amravati (for short “Scrutiny Committee”), forwarded through Outward No.JJPPS/Am.Vi/M.F.S.S/01800742/2025/1275 dated 16.10.2025, thereby invalidating the caste claim of the Petitioner as Chhaparband Vimukta Jati (A).

3. The petitioner, by the Sub-Divisional Officer, Morshi, dated 04.03.2025, recognizing her caste as Chhaparband VJ (A) under Government Resolution CBC/1477/35512/Ka-5 dated 20.03.1978. The Scrutiny Committee, after receiving receipt of the Vigilance Cell Inquiry Report dated 18.07.2025, passed the impugned invalidation order.

4. The petitioner submitted the following documents in support of her Chhaparband VJ claim :

Sr No	Document type	Name	Relation	Date	Caste/ Entry
1	Birth Register	Maqbul Shah	Great Grandfather	27.03.1923	-----
2	Caste Validity Certificate	Sadique Shah Yusuf Shah	Father	22.12.2010	Chhaparband VJ (A) — issued by Respondent No.2
3	Caste Validity Certificate	Firoj Shah Yusuf Shah	Uncle	12.09.2011	Chhaparband VJ (A) — issued by Respondent No.2
4	Caste Validity Certificate	Kn. Saman Kausar Mehtab Shah	Paternal Aunt	11.01.2021	Chhaparband VJ (A) — issued by Respondent No.2

5. We have heard Mr.S.S. Dhengale, learned counsel for the petitioner and Mr. N.R. Patil, learned Assistant Government Pleader for the respondents.

6. Learned counsel for the petitioner submits that the impugned order is perverse and suffers from non-application of mind. The Scrutiny Committee invalidated the Chhaparband VJ claim without properly appreciating the documentary evidence placed on record, including the Birth Register of the Great Grandfather dated 27.03.1923 bearing the name “Maqbulshah”, which is the oldest pre-Constitutional document establishing the ancestry of the petitioner.

7. It is submitted that the caste claim of the petitioner is fully governed by Government Resolution dated 05.01.1999, as clarified and elaborated by Government Resolution dated 29.06.2006, which lays down three criteria for issuance of Chhaparband VJ (A) validity certificate to Muslim community persons. First, that the claimant belongs to Muslim religion, Second, that the word “Shah” is suffixed to the name of the claimant or her forefathers and thirdly, that the word “Fakir” appears in the documents of the forefathers. In the present case, all three criteria are satisfied, inasmuch as the petitioner belongs to

Muslim religion, “Shah” is suffixed to the name of her forefathers, and the word “Fakir” appears in the ancestral documents.

8. It is further submitted that the Scrutiny Committee’s reliance upon the circular dated 23.03.2011 and its cancellation by the Circular dated 16.02.2015 as a ground for invalidation is wholly untenable in view of the judgment and order dated 16.10.2019 passed by the Division Bench of this Court in Writ Petition No. 5163/2018, wherein it was specifically held that the circular dated 16.02.2015 is silent on the question of validity certificates already granted to various persons prior to 16.02.2015 and directed that the State Government must decide its course of action regarding such certificates. The validity certificates of the father, uncle, and paternal aunt of the petitioner were all issued prior to 16.02.2015 and have never been cancelled.

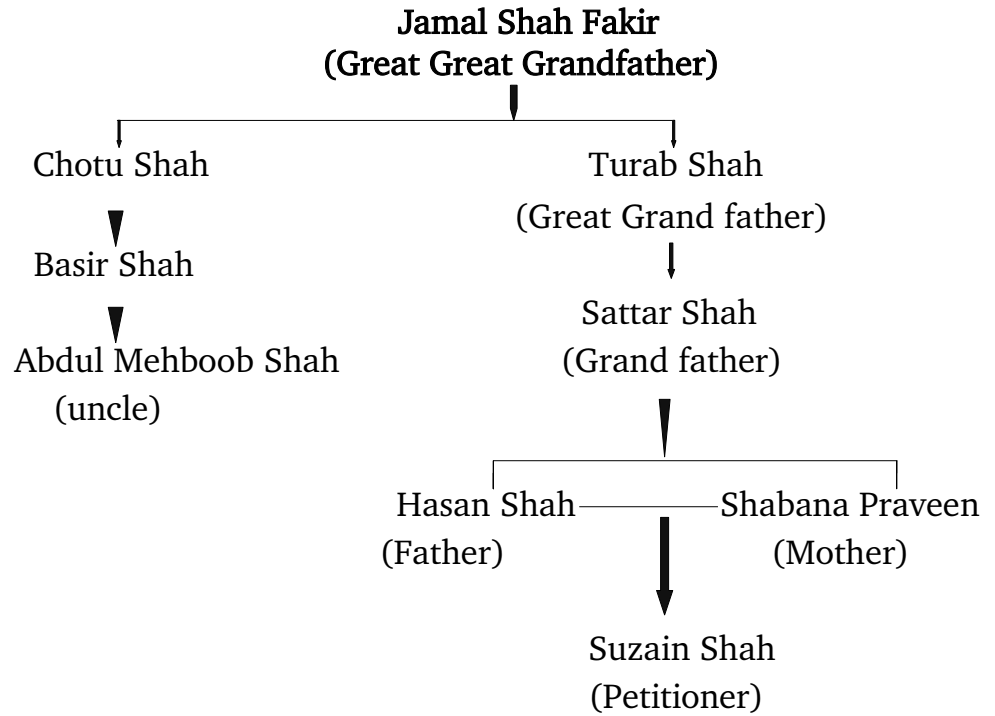
9. It is submitted that as per Government Resolution dated 22.08.2007 and Notification dated 24.11.2017 where validity certificates have already been issued to blood relatives of the applicant, there is no need to call for additional evidence. The father, uncle, and paternal aunt of the petitioner all hold valid Chhaparband VJ (A) validity certificates issued by respondent No.2 itself vide orders dated 22.12.2010, 12.09.2011, and

11.01.2021 respectively. The Scrutiny Committee, having itself issued these validity certificates to the blood relatives of the petitioner, could not have invalidated the petitioner's claim without assigning any cogent reason for departing from its own earlier findings.

10. It is further submitted that a Division Bench of this Court vide order dated 03.11.2025 in Writ Petition No.2049/2024 has categorically held that where validity certificates have been issued in favour of paternal relatives of the petitioner, the petitioner is also entitled to a validity certificate of Chhaparband VJ (A) and that there must be a specific order declaring the existing certificates as cancelled or nullity before the same can be disregarded. No such order exists in the present case.

11. Reliance is placed on Writ Petition No.5163/2018 (order dated 16.10.2019) and Writ Petition No.2049/2024 (order dated 03.11.2025) of this Court; Government Resolutions dated 05.01.1999, 29.06.2006, 22.08.2007, and Notification dated 24.11.2017.

12. The family tree of the petitioner is as under :



13. Per contra, learned Assistant Government Pleader for the respondents had made oral submissions and supported the impugned order dated 15.09.2025. It is submitted that the petitioner has failed to produce any cogent documentary evidence establishing the caste of her forefathers as Chhaparband prior to the deemed date i.e. 21.11.1961 and that the documents relied upon by the petitioner do not directly record the caste as Chhaparband. It is further submitted that the Government of Maharashtra vide Notification dated 16.02.2015 cancelled the earlier Notification dated 13.03.2011 regarding the caste Chhaparband and the Vigilance Cell Inquiry Report dated 18.07.2025 does not support the petitioner's claim, and therefore the impugned order is just,

legal, proper and in accordance with law, calling for no interference.

14. Having heard the learned counsel for the parties and having perused the record, the following position emerges for consideration that the petitioner claims to belong to Chhaparband Vimukta Jati (A), which is recognized at Serial No.14 under Government Resolution No.CBC/1361-M dated 21.11.1961, as amended by Government Resolution dated 20.03.1978 whereby Chhaparband including Muslims was included as Entry No.14. The petitioner has placed on record the Birth Register of her Great Grandfather dated 27.03.1923 bearing the name “Maqbulshah”, which is the oldest ancestral document, along with the Caste Validity Certificates of her father dated 22.12.2010, uncle dated 12.09.2011, and paternal aunt dated 11.01.2021, all issued by Respondent No. 2 itself, recognizing the caste as Chhaparband VJ (A).

15. The Scrutiny Committee has invalidated the claim of the petitioner primarily on the ground that no document prior to the deemed date i.e. 21.11.1961 records the caste as “Chhaparband”. This reasoning cannot be sustained. As held by this Court in **Writ Petition No. 2049/2024 (Suzain D/o Hasan Shah**

v. State of Maharashtra, dated 03.11.2025), the Chhaparband entry was included in the Vimukta Jati list only in the year 1978, and therefore the cut-off date for the purpose of documentary evidence would be 1978 and not 1961. The insistence upon a “Chhaparband” entry in documents prior to 21.11.1961 is therefore itself an erroneous standard of proof applied by the Scrutiny Committee, rendering the impugned order perverse on the face of it.

16. The Scrutiny Committee’s rejection of the ancestral documents on the ground that they record caste as “Fakir” or “Musalman” is equally unsustainable. This Court in Writ Petition No.2049/2024 (supra) specifically held in paragraph 16 that “*there is no caste by name Musalman. Musalman is a person who belongs to Muslim religion*”. Further, the entry of “Fakir” in old documents is precisely the criterion prescribed under Government Resolution dated 05.01.1999 and elaborated by Government Resolution dated 29.06.2006 for identifying Chhaparband Muslim persons. The three criteria that are, Muslim religion, “Shah” suffix to the name, and “Fakir” entry in ancestral documents are all satisfied in the present case, yet the Scrutiny Committee has given no consideration to the said Government Resolutions.

17. On the crucial question of validity certificates issued to

blood relatives, this Court in Writ Petition No.2049/2024 (supra), relying upon **Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & Ors., 2010(6) Mh.L.J. 401**, held in paragraph 20 as under :

“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.”

18. The most compelling circumstance in the present case is that respondent No.2, the very same Scrutiny Committee, has itself issued Chhaparband VJ (A) validity certificates to the father, uncle, and paternal aunt of the petitioner. Having done so, the Scrutiny Committee cannot, without assigning any cogent reason, take a contradictory position in respect of the petitioner's claim arising from the same family. There is no finding in the impugned order that the said earlier validity certificates were obtained by fraud or without jurisdiction, and in the absence of any specific order of the State Government declaring those certificates as

cancelled or nullity, the petitioner cannot be denied the validity certificate. This position is now well settled by this Court in Writ Petition No.2049/2024 (Suzain D/o Hasan Shah Vs. State of Maharashtra, dated 03.11.2025) and Writ Petition No.5163/2018 (Ms. Iftesam D/o Rajjak Shaha Vs. State of Maharashtra, dated 16.10.2019). In view of the above, the impugned order dated 15.09.2025 is liable to be quashed and set aside and the petitioner has duly established that she belongs to Chhaparband Vimukta Jati (A) Tribe.

19. We, therefore, pass the following order :

ORDER

(i) The Writ Petition is allowed.

(ii) The impugned order dated 15.09.2025 passed by respondent No.2 District Caste Verification and Scrutiny Committee, Amravati, forwarded through Outward No.JJPPS/Am.Vi/M.F.S.S/01800742/2025/1275 dated 16.10.2025, invalidating the caste claim of the petitioner as Chhaparband Vimukta Jati (A) is hereby quashed and set aside.

(iii) It is declared that the petitioner has duly established that she belongs to Chhaparband Vimukta Jati (A) Tribe.

(iv) The respondent No.2 District Caste Verification and Scrutiny Committee, Amravati is directed to issue the validity certificate to the petitioner as she belongs to “Chhaparband Vimukta Jati (A) Tribe” within a period of four weeks from the date of this order.

(v) The petition is disposed of.

(vi) Rule is made absolute in the above terms. No order as to costs.

(NANDESH S. DESHPANDE, J.)

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