

(2022) 12 BOM CK 0067
In the Bombay High Court
Case No : Writ Petition No.6656 Of 2019

Sajid Abdul Gaffar Varshani And Others	APPELLANT
Vs	
District Caste Scrutiny Committee And Others	RESPONDENT

Date of Decision : 15-12-2022

Acts Referred:

Citation : (2022) 12 BOM CK 0067

Hon'ble Judges : Sandeep K. Shinde, J;Vrushali V. Joshi,J

Bench : Division Bench

Advocate : Abdul Subhan, A. M. Kadukar

Final Decision : Disposed Of

Judgement

Vrushali V. Joshi, J

1. Rule. Rule made returnable forthwith. Heard finally by consent of the learned Counsel appearing for the parties.

2. The challenge in this petition, is to the order dated 28.08.2019 passed by the District Caste Scrutiny Committee, Yavatmal inter alia invalidating the claim of the petitioner No.2 for 'Kachi' – Other Backward Class category, as notified on 13.10.1967. The Committee while invalidating the caste claim, appears to have made efforts to distinguish caste 'Kacchi'; however, we need not go into the findings recorded by the Committee on that aspect for the simple reason that the petitioner No.2's real sister's claim for the Kachi caste has been validated on 06.12.2017 and the claim for Kachi caste of her cousin Wasim Varshani has been validated on 22.08.2011, the Committee has not found it tainted by fraud or granted without jurisdiction. In context of the facts of the case and issue, the learned Counsel for the petitioners relies on the decisions in Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee, 2010(6) Mh.L.J.401 and Sangita Madan Ingle Vs. Vice Chairman/Joint Commissioner, Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati and Another, Writ Petition No.1009/2017, to contend that in absence of findings regarding broad mis-

representation in issuance of caste validity certificate in the name of blood relatives, there cannot be different conclusion than one that the petitioner No.2 is entitled to get the validity certificate in his favour.

3. In view of the above, we set aside the impugned order dated 28.08.2019 and direct the District Caste Scrutiny Committee, Yavatmal to issue validity certificate to the petitioner No.2.

4. Rule is made absolute in the aforesaid terms.

5. Petition is disposed of.

6. Pending Civil Application(s), if any, stand(s) disposed of.