



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10388 OF 2017

Ashish s/o. Bhagwan Choudhari

...Petitioner

vs.

The State of Maharashtra and Others

...Respondents

Mr. M.S. Deshmukh, for the Petitioner

Mr. A.A. Kumbhkoni, Advocate General a/w. Mr. Akshay Shinde,
Special Counsel and Mr. Sandeep Babar, AGP, for the Respondents.

**CORAM : SHANTANU KEMKAR &
G.S. KULKARNI, JJ.**

DATE : OCTOBER 05, 2017

P.C.:

. Parties through their counsel.

2. The challenge in this Petition is to the order dated **1st September, 2017** passed by the second Respondent-the Scheduled Tribe Certificate Scrutiny Committee, Aurangabad (in short "*the Committee*") whereby the Petitioner's caste validity claim of she being "*Rajgond (S.T.)*" has been rejected.

3. In support of his claim before the Committee, the Petitioner has submitted 57 documents of which one was the caste validity certificate of his cousin brother Ram Kashinath Choudhari dated 27th April, 2009 stating therein that the Petitioner's cousin brother belongs to "*Rajgond (S.T.)*".

4. The learned counsel for the Petitioner submits that in view of the law laid down by the Division Bench of this Court in the case of **Apoorva Vinay Nichale v/s Divisional Caste Certificate Scrutiny Committee No.1 and others**, reported in **2010(6) Mh.L.J. 401.**, as also by the Supreme Court in the case of **Raju Ramsing Vasave v/s Mahesh Deorao Bhivapurkar and others**, **reported in (2008) 9 SCC 54** in the absence of there being any fraud, misrepresentation or order being passed by the authority not having jurisdiction, the Committee could not have discarded the said validity certificate.

5. The Committee has rejected the Petitioner's claim on the basis of the documents in relation to the Petitioner's father, uncle as also other relatives. In the said documents, the caste of the Petitioner's father, uncle and other was shown to be "*Hindu-Telang (Rajgond)/Hindu-Rajgond/Hindu-Rajgond Telang*".

6. In our considered view, "*Telang*" is not a caste but is a surname or the description relating to the area from where the person belongs and "*Hindu*" is also not a caste but is a religion. On the basis of recording of "*Telang*" or "*Hindu*" in the documents of relatives of the Petitioner, the caste validity claim of the Petitioner could not have been rejected. The said entries are inconsequential.

7. Having considered the contention of the Petitioner in the light of the judgment passed by this Court in the case of **Apoorva Vinay Nichale** (supra), we are of the view that in absence of any of the grounds as per the said judgment, the Committee could not have discarded the validity certificate relied upon by the Petitioner.

8. In the circumstances, the order passed by the Scrutiny Committee rejecting the Petitioner's caste validation claim on the basis of entries in respect of the Petitioner's relatives mentioning therein their "*Hindu-Telang (Rajgond) / Hindu Rajgond / Hindu Rajgond Telang*" cannot be sustained.

9. In the circumstances, the Petition is allowed. The impugned order passed by the Committee is set aside and the Committee is directed to issue the caste validity certificate to the Petitioner forthwith on receipt of the authenticated copy of this order.

(G.S. KULKARNI, J.)

(SHANTANU KEMKAR, J.)