



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO.1001 OF 2026

Hasnain Riyazuddin Chauhan
Aged about – 17 years, Occupation – Student,
as Minor therefore represented
through Natural Guardian
father Mr. Riyazuddin Mohammad
Nizam Badruddin Chauhan,
Aged about 50 years,
Occupation – Advocate,
R/o. Lohar Line, Shani Mandir Square,
Yavatmal, Tahsil and District Yavatmal

...PETITIONER

VERSUS

1. District Caste Scrutiny Committee,
Yavatmal, District Yavatmal
through its President
2. Sub-Divisional Officer,
Yavatmal, District Yavatmal

...RESPONDENTS

Mr. S.O. Ahmed, Advocate for the petitioner.
Ms S. Haider, A.P.P. for the respondents/State.

CORAM : URMILA JOSHI-PHALKE AND RAJ D. WAKODE, JJ.
DATED : AUGUST 28, 2026.

ORAL JUDGMENT (Per : Urmila Joshi-Phalke, J.) :

RULE. Rule made returnable forthwith.

2. Heard finally with the consent of learned Counsel for both
the parties.

3. In this petition, the petitioner challenges the order passed by the District Caste Scrutiny Committee, Yavatmal dated 03/12/2025 in the Case No.2024-01624664/4333 invalidating the caste claim of the petitioner belonging to “Lohar”.

4. The petitioner is a student of 12th standard Science and is studying at M.B. Khan Junior College at Yavatmal. Now, he is admitted to the first year of the Computer Science and Engineering course at Jawaharlal Darda Institute of Engineering and Technology, Yavatmal and they are insisting for the Validity Certificate. It is the contention of the petitioner that the father of the petitioner, as well as the real sister of the petitioner, were already granted the validity certificate. Despite this fact being brought to the notice of respondent No.1-committee, respondent No.1-committee has ignored the validities issued in favour of the father and real sister, and also ignored the pre-constitutional documents, which are having highest probative value. It is contended by the petitioner that the petitioner’s caste claim was referred for the validation, and therefore, petitioner has placed on record all the documents of pre-constitutional era, as well as the validity certificates issued to the father and real sister. However, the committee invalidated the caste claim of the petitioner without assigning any reason as to why those validity certificates were not considered, relying merely on the basis that the petitioner’s religion

was mentioned as “Muslim”. Thus, it is contended that the order passed by the respondent No.1-Committee is illegal and liable to be quashed and set aside.

5. Heard learned Counsel for the petitioner who invited our attention towards the family tree and submitted that the petitioner has established his relationship with the forefathers whose documents are placed on record of pre-independence era; however, the committee has ignored the same. He also submitted that since pre-independence, the great-grandfather of the present petitioner - Badruddin was recorded as “Lohar”. Thereafter, the grandfather of the present petitioner namely Mohammad Nizam Badruddin was also recorded as “Lohar”. His cousin grandfather Mohammad Isaq Chauhan Badruddin was also recorded as “Lohar”. On the basis of the above said documents, the father and the real sister of the petitioner were granted with the validity. He also invited our attention towards the order passed by the Caste Scrutiny Committee and submitted that the entire order nowhere reflects any reason why the validity granted to the father and real sister was not considered by the committee. He submitted that even the vigilance report shows that the petitioner is following the Islam religion. Thus, it is also supporting the petitioner’s case but all these documents, as well as the vigilance report was ignored, and the claim of the petitioner was invalidated.

6. Learned APP strongly opposed the said contention and submitted that considering that in every document, the forefathers of the petitioner were recorded as “Muslim”, and therefore, the order of the committee is proper and legal one and no interference is called for. She also invited our attention towards the vigilance report and submitted that even vigilance report supports the contention of the committee that the petitioner’s forefathers were recorded as “Muslim”, and therefore, the petition deserves to be dismissed.

7. Here the petitioner claims to be belonging to “Lohar” i.e. Nomadic Tribe-B which is mentioned at Serial No.8 of the list of tribes. After obtaining the caste certificate from the competent authority, the petitioner applied for validation of the caste claim before the committee for the education purpose. It is not disputed that the father and the real sister of the present petitioner granted with a validity. The validity certificates are placed on record. The family tree of the petitioner shows that Badruddin was great grandfather of the present petitioner who was having three sons i.e. Nizamuddin Badruddin, Mohammad Isaq Badruddin and Jaitunbee Badruddin. The father of the present petitioner is Riyazuddin. The documents on record shows that the birth entry was taken regarding the daughter of Badruddin i.e. the great-grandfather of the petitioner, who was recorded at the relevant time as “Musalman Lohar”. Similarly, the school living certificate of the cousin grandfather

of the present petitioner Mohammad Isaq Chauhan Badruddin also shows that in school on 03/04/1939 when the cousin grandfather was admitted recorded as “Lohar Muslim”. Similarly, the grandfather of the present petitioner Mohammad Nizam Badruddin who was also recorded as “Lohar Muslim” while admitting him in school. Thus, there are three pre-constitutional entries consistently shows that forefathers of the petitioner were recorded as the “Muslim Lohar”. Though the committee found that all the documents relied upon by the petitioner shows the caste as “Lohar” and in some of the documents word “Muslim” is prefixed or suffixed to the caste. Therefore, the caste claim of the petitioner has been invalidated.

8. It is pertinent to note that in the family of the petitioner the caste validity certificates have been granted to merely two relatives, more particularly real sister and a real brother. As far as “Muslim” is concerned, we find that “Muslim” is a religion and not a caste. Therefore, merely because word “Muslim” is prefixed or suffixed to the caste, the documents cannot be discarded.

9. A reference can be made to the decision in the case of **Apoorva d/o. Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**, reported in [2010 (6) Mh.L.J. 401] wherein in paragraph No.7 this Court has held as under:

“7. We thus come to the conclusion that 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.”

10. Since the blood relatives of the petitioner are granted with a caste validity certificate which is not challenged by the committee and there is nothing on record to show that those were obtained by playing fraud, the impugned order invalidating the caste claim of the petitioner is contrary to the Rule 16 of the Maharashtra Scheduled Castes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012 but also against the mandate laid down by this Court in the case of Apoorva d/o. Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and others (supra).

11. As far as the validities granted to the father and real sisters are concerned which are ignored by the committee and there is no reason assigned by the committee why the same were not taken into consideration. Insofar as the submission of the learned APP that the

forefathers of the petitioner were recorded as “Muslim” is concerned, we have already clarified that it is not a caste, but it is a religion.

12. In view of that, we find that the findings recorded by the Committee requires to be quashed and set aside. Accordingly, the petition deserves to be allowed. Hence, we proceed to pass the following order :

(i) The writ petition is allowed.

(ii) The order passed by the District Caste Scrutiny Committee, Yavatmal dated 03/12/2025 in Case No. 2024-01624664/4333 invalidating the caste claim of the present petitioner is hereby quashed and set aside.

(iii) The petitioner is declared belonging to a “Lohar”. The District Caste Scrutiny Committee, Yavatmal shall issue the caste validity certificate declaring the petitioner belonging to “Lohar” within two weeks. Till then, the petitioner can rely upon this judgment and shall produce it before the appropriate authority.

13. The writ petition stands disposed of. Rule made absolute in the aforesaid terms.

(RAJ D. WAKODE, J.)

(URMILA JOSHI-PHALKE, J.)