

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9016 OF 2021

Zuveria Riyazahamad Shaikh .Petitioner

Vs.

The State of Maharashtra & ors. .Respondents

Mr. Dhairyasheel Sutar, Advocate, for the Petitioner
Mr. V. M. Mali, AGP, for the Respondent Nos. 1 to 3 - State

CORAM : S. B. SHUKRE & G. A. SANAP, JJ.

DATE : 07.04.2022

P. C.

. Learned AGP waives service on behalf of the Respondent Nos. 1 to 3. It is one of the contentions of the learned counsel for the Petitioner that just because in some relevant documents, caste of the Petitioner's relatives has not been mentioned, Caste Scrutiny Committee ought not to have held such absence of caste in the relevant documents, as going against the Petitioner for the reason that in many of the Judgments delivered by the Division Bench of this Court, a consistent view has been taken that in Muslim community, there is no practise of mentioning caste, as e. g. the caste of Aasiya Mahamadyunnus Gavandi Vs. District Caste

Certification in W. P. No. 145 of 2021 decided on 04.02.2021 and Miss Swaliha B. Sanadi Vs. State of Maharashtra & ors in W. P. No. 11414 of 2019 decided on 22.12.2020. In the aforestated cases, the Division Bench has taken a view that it is settled law that in case of Muslim, there is no practise of mentioning caste in the record. We would like to examine the law on this point and therefore, we request both sides to assist the Court on the question.

2. Stand over to 12.04.2022 at 2.30 p. m..

(G. A. SANAP, J.)

(S. B. SHUKRE, J.)