

अशोक मॅगोत्रा

सदस्य सचिव

A. K. Mangotra

Member - Secretary



राष्ट्रीय पिछड़ा वर्ग आयोग
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MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
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NCBC Advice No. 79/Maharashtra/2015

15-12-2015

Dear *Ms Agnihotri*,

I am sending an Advice of the National Commission for Backward Classes (NCBC), under Section 9(1) of National Commission for Backward Classes Act, 1993, regarding the following caste/community for the State of Maharashtra, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.:-

Sl. No.	Name of the Caste / Community	Remarks
1	Entry No.211 'Malhav'	Correction

With *Respect*

Yours sincerely,

(A. K. Mangotra)

Encl: as above

Ms. Anita Agnihotri
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhawan
New Delhi - 110001

NATIONAL COMMISSION FOR BACKWARD CLASSES

Hon'ble Justice V. Eswaraiah, Chairperson

Hon'ble Shri A.K.Saini, Member

Hon'ble Dr. Shakeel uz-Zaman Ansari, Member

Hon'ble Shri A.K.Mangotra, Member-Secretary

Case: Request for correction of caste/community 'Madhav' at Entry No.211 in the Central List of OBCs for the State of Maharashtra.

I. REQUEST

1. NCBC received a representation dated 21st May, 2013 from Shri Dharmendra N.Batho, Mumbai and another representation dated 12-12-2014 addressed to Shri Nitin Gadkari, Hon'ble Minister of Road Transport, Highways & Shipping, New Delhi, which was forwarded by the Ministry of Social Justice and Empowerment, Government of India vide letter No.20011/44/2014-BC-II dated 19th January, 2015 requesting to correct the caste/community 'Malhav' instead of 'Madhav' included at Entry No.211 of the Central List of OBCs for the State of Maharashtra.

2. NCBC also received representations dated 11-09-2014 and 27-08-2015 from Shri Santosh Sandu Ghalde, Aurangabad enclosing therewith a copy of the Order dated 25-06-2015 passed by the High Court of Bombay (Aurangabad Bench) in Writ Petition No.5413 of 2015 directing the Petitioner therein to ventilate his grievance with the Respondent No.1 viz. the State of Maharashtra and to make representation to the Respondent No.1 for the said purpose and accordingly disposed of the writ petition.

3. The matter was placed before the Full Commission on 27-11-2015 for consideration.

II. PUBLIC HEARING/COMMISSION'S MEETING

4. The Commission consisting of Justice V. Eswaraiah, Hon'ble Chairperson, Shri A. K. Saini, Hon'ble Member, Dr. Shakeel uz-Zaman Ansari, Hon'ble Member and Shri A.K. Mangotra, Hon'ble Member-Secretary considered the aforesaid matter in the Commission's Meeting held on 27-11-2015. After analyzing the Report of the State Government/State Commission and also going through submissions put forward by the representatives of concerned caste/community, the opinion of the Commission in respect of this caste/community has been arrived at.

III. FACTS

5. NCBC addressed letters dated 24-06-2013, 29-09-2014 and 15-01-2015 to the Secretary, Social Justice & Special Assistance Department, Mantralaya Annexe, Mumbai requesting to send clarification/report, advice, etc. in respect of the 'Madhav/Malhav' caste/community. Now the Joint Secretary, Government of Maharashtra vide letter No.CBC-10-2014/CR.NO.66/BCW dated 18-09-2015 informed the NCBC that the correct spelling of the caste/community is 'Malhav' and not 'Madhav' and he has requested correction of spelling of the caste/community in the Central List of OBCs for the State of Maharashtra at Entry No.211 as 'Malhav' instead of 'Madhav'.

6. In the State List of Backward Classes of Maharashtra at Sl.No.25, the castes/communities are indicated as under:-

"Bhoi, Zinga Bhoi, Pardeshi Bhoi, Rajbhoi, Bhoi, Kahar, Godia Kahar, Dhuriya Kahar, Kirat, Machhua, Maanzi, Jaatiya, Kevat, Dhihiwar, Dhiwar, Dhimar, Palewar, Machhendra, Nawadi, Bhoi Navadi, Taru-Navadi, Malhar, Malhav, Boi, Gadhhav Bhoi, Khaadi Bhoi, Khare Bhoi, Dheevra, Bhanara, Bhanari, Bhanare".

7. In the Mandal List, at Sl.No.37, the castes/communities are indicated as under:-

"Bhoi, Kharvi, Dhiwar Bhoi, Zinga Bhoi, Pardeshi Bhoi, Raj Bhoi, Bhoi, Kahar, Gadia Kahar, Kirat, Machwa, Manzi, Jatia,

Kewal, Dhiwar, Dheewar, Dhimar, Palewar, Machhendra, Navadi, Malhar, Malhav, Gadhav-Bhoi, Khadi Bhoi, Khare Bhoi, Dhevra Dhuria Kahar”.

8. In the Central List of OBCs for the State of Maharashtra, the castes/communities are included at Entry No.211 as under:-

“Bhoi/Boi, Zinga Bhoi, Pardeshi Bhoi, Raj Bhoi, Kahar, Gadia Kahare, Dhuria Kahar, Kirat, Machwa, Manzi, Jatia, Kewat, Dhiwar, Dhiwar Bhoi, Dheewar, Dhimar, Palewar Machhendra, Navadi, Malhar, Madhav, Gadhav Bhoi, Khadi Bhoi, Khare Bhoi, Dhevra, Bhoi-Navadi, Taru-Navadi, Dheewar Bhoi”.

IV. FINDINGS

9. NCBC noticed that in the Mandal List at Sl.No.37, the caste/community was mentioned as ‘Malhav’ as synonym of ‘Bhoi’ caste/community. In the State List of Backward Classes at Sl.No.25 also the caste/community was mentioned as ‘Malhav’ as synonym of ‘Bhoi’ caste/community. However, while preparing the Central List of OBCs for the State of Maharashtra on the basis of the principle of commonality (i.e. those castes/communities which were found included in the Mandal List as well as in the State List of Backward Classes) which was notified in 1993, there occurred an obvious typographical error in the spelling of ‘Malhav’ caste/community, which was mistyped as ‘Madhav’ in the Central

List of OBCs for the State of Maharashtra. There is no mention of the caste 'Madhav' anywhere.

10. Since a typographical error had been committed in the spelling of the caste/community 'Malhav' in the Central List of OBCs for the State of Maharashtra, the NCBC is of the opinion that the typographical mistake deserves to be rectified and accordingly recommends to correct the spelling of the caste/community 'Malhav' instead of 'Madhav' in the Central List of OBCs for the State of Maharashtra at Entry No.211. After correction, Entry No.211 reads as under:

"Bhoi/Boi, Zinga Bhoi, Pardeshi Bhoi, Raj Bhoi, Kahar, Gadia Kahare, Dhuria Kahar, Kirat, Machwa, Manzi, Jatia, Kewat, Dhiwar, Dhiwar Bhoi, Dheewar, Dhimar, Palewar Machhendra, Navadi, Malhar, **Malhav**, Gadhav Bhoi, Khadi Bhoi, Khare Bhoi, Dhevra, Bhoi-Navadi, Taru-Navadi, Dheewar Bhoi".

V. ADVICE OF THE COMMISSION

11. The Commission in view of the above findings has decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act for necessary action:-

"After the correction the **Entry No.211** of Central List of OBCs for the State of Maharashtra reads as under:

"Bhoi/Boi, Zinga Bhoi, Pardeshi Bhoi, Raj Bhoi, Kahar, Gadia Kahare, Dhuria Kahar, Kirat, Machwa, Manzi, Jatia, Kewat, Dhiwar, Dhiwar Bhoi, Dheewar, Dhimar, Palewar Machhendra, Navadi, Malhar, **Malhav**, Gadhav Bhoi, Khadi Bhoi, Khare Bhoi, Dhevra, Bhoi-Navadi, Taru-Navadi, Dheewar Bhoi".



(Justice V. Eswaraiah)
Chairperson



(A. K. Saini)
Member



(Dr. Shakeel-Uz-Zaman Ansari)
Member



(A. K. Mangotra)
Member-Secretary

AUTHENTICATED



(A. K. Mangotra)
Member-Secretary
National Commission for Backward Classes
New Delhi