

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11398 of 2015

Saroj d/o Ramswami Tirupati,
age: 57 years, Occ: service,
R/o Telangwada, New Jinsi,
Aurangabad, Tq. And District
Aurangabad, At present
R/o Adharsh Nehrunagar,
Amrawati, Tq. & District
Amrawati.

Petitioner

Versus

01 The State of Maharashtra

02 The Scheduled Tribe Caste
Certificate Verification
Committee, Nashik (M.S.),
through its Member Secretary.

03 The Taluka Executive Magistrate,
Aurangabad, Tq. & District
Aurangabad.

Respondents

Mr.S.G.Thombre, advocate for the petitioner.
Mr.M.B.Bharaswadkar, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
A.I.S.CHEEMA, JJ.
DATE : 21st November, 2015**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 Petitioner is objecting to the order passed by the Deputy Collector, Aurangabad, directing closure of the file in

respect of issuance of caste certificate in favour of the petitioner.

3 Petitioner claims to belong to Telangi caste, which is included in 'NT' category. He tendered an application to Respondent No.3 for issuance of caste certificate. However, since petitioner has failed to produce evidence, concerned authority was pleased to direct closure of the matter.

4 It is the bounden duty of the concerned authority to pass an order either allowing the application or rejecting the same. If the concerned authority rejects the application, petitioner can very well avail of remedy of appeal provided under the Statute. It is not permissible for the authority to direct closure of the file.

5 In the facts and circumstances of this case, order passed by the Deputy Collector on 27.01.2015, directing closure of the file, is quashed and set aside and concerned authority is directed to decide the application on its own merits and in accordance with law. It would be open for the petitioner to adduce documentary evidence, if any, in support of his application.

6 Rule is made absolute to the above extent. No order as to costs.

A.I.S.CHEEMA
JUDGE

adb/wp1139815

R.M.BORDE
JUDGE