

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 10718 OF 2014

SMT. KUNDABAI BABULAL THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Golegaonkar Anil S.
AGP for Respondents: Mrs.S.A.Dhumal.

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CORAM : **S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 17th February, 2015.

P.C.:

. Mr.Golegaonkar, learned counsel for the Petitioner submits that in the year 1981, the Petitioner was issued the caste certificate by the Tahsildar, Sindkheda, as belonging to "Thakur" Tribe. According to the learned counsel, the Petitioner is on the verge of retirement and he is to retire in March 2015. However, for preparing the pension papers, the Respondents have again asked for the caste certificate, which was already submitted at the time of joining the service. According to the learned counsel, as per the demand of the Respondents, the Petitioner applied afresh before the Respondent No.2. However, the Respondent No.2 has raised queries, which would not be relevant. The proof of prior to 1950 residence is asked. The documents are submitted, which shows the place of birth of the father of the Petitioner as Taloda, within the jurisdiction of Respondent No.2. The same is dated 28th August, 1934. Only because the birth place of the Petitioner is shown different i.e. mother's place that cannot be a ground to suggest that Respondent No.2 does not possess jurisdiction. According to the learned counsel, the Respondents do not deny that the certificate was issued in the year 1981.

They only say that the record is not available and cannot be confirmed.

2 Mr.Thigale, learned AGP submits that some details are asked by the Sub-Divisional Officer. The Petitioner should have replied. But the Petitioner has directly approached the Court.

3 We have considered the submissions canvassed by the learned counsel for respective parties. A xerox copy of the caste certificate placed on record is issued in the year 1981 in favour of the Petitioner. According to the learned counsel for the Petitioner, the original was given to the Respondents at the time of employment. The letter of the Tahsildar dated 21st July, 2014, only states that the register from where the certificate issued is not available with the office. The Petitioner has applied afresh. The place of birth of the Petitioner is shown as Taloda. The school record of the Petitioner is also of the same place.

4 In light of that, we pass the following order:

- I. The Respondent No.2 shall deal with the application of the Petitioner for issuance of tribe certificate as having jurisdiction to deal with the said application, on merits.
- II. The Respondent No.2 shall decide the said application, expeditiously, preferably within one month.
- III. Accordingly, the writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]