

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7250 OF 2014

Shri Bhalchandra Ramchandra Baidu **Petitioner**

V/s

State of Maharashtra & Ors. **Respondents**

Mr. Kamalakar L. Koli for Petitioner.

Ms. Sushma S.Bhende, AGP for Respondent Nos.1 to 4.

**CORAM : ANOOP V. MOHTA &
A.A. SAYED, JJ.**

DATED : 2 SEPTEMBER 2015

ORDER:

1 Rule, returnable forthwith. Heard forthwith finally.

2 We are inclined to dispose of the present Writ Petition by directing the Sub Divisional Officer, Shrivardhan Division, District Raigad to reconsider the case of Petitioner of granting caste certificate based upon the material placed on record and also specifically in view of the Tahasildar's Report dated 29 November 2013 which was addressed to the Sub Divisional Officer, Shrivardhan Division after the order dated 20 November 2013 of the Sub Divisional Officer, Shrivardhan Division. As in our view it is desirable to give an opportunity to the Petitioner as there is no sufficient and conclusive decision given based upon the documents

which are placed by the Petitioner in his support specifically referring to Item Nos.6, 7, 8, 9, 10, 11 and 14 as mentioned in the order of the Sub Divisional Officer, Shrivardhan Division.

3 The submissions of learned AGP based upon the Maharashtra Scheduled Caste, Scheduled Tribes, De-notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Act, 2000 and specifically Rules 4, 5, 9 and 12 are also not acceptable. As the requirement of issuing of basic certificate in no way can be said to be and referred of detail and conclusive enquiry. Only prima facie view is required based upon the material placed on record and in case of doubt and/or no material further enquiry is called for. In the present case, as noted there are 6/7 documents, which prima facie have supported the case of the Petitioner. The letter of Tahasildar dated 29 November 2013 is additional factor which required to be reconsidered by the Competent Authority. Therefore, in the interest of justice, following order:

ORDER

1 The impugned order dated 15 May 2014 and order dated 20 November 2013 are quashed and set aside;

2 Respondent No.3 Competent Authority to reconsider the case of the Petitioner by giving an opportunity and pass order in accordance with law preferably within six weeks;

3 The Petitioner is at liberty to file Additional documents in support of his case;

4 Rule made absolute. No costs.

(A.A. SAYED, J.)

(ANOOP V. MOHTA, J.)

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