

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2295/2014

(PRATIK SHALINI BADWAIK THR. HIS GUARDIAN SHALINI SADASHIV BADWAIK **VERSUS**
STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.O. Ahmed, counsel for the petitioner.
Shri N.R. Patil, A.G.P. for the respondents.

CORAM : SMT. VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.

DATE : AUGUST 11, 2015.

By this petition, the petitioner seeks a direction to the respondents to consider the application of the petitioner and issue a certificate that the petitioner belongs to 'Nhavi' caste, which falls in Other Backward Classes.

According to the petitioner, though the petitioner is entitled to a caste certificate and had applied for the same, the respondent no.2-Competent Authority refused to grant the caste certificate to the petitioner on the ground that the petitioner had not tendered the necessary documents for securing the same. According to the petitioner, the petitioner was given in adoption to Smt.Shalini Badwaik, who was a divorcee and wanted to rear a child. It is stated that though Smt.Shalini Badwaik has received a caste validity certificate from the scrutiny committee on 28.01.2014, the claim of the petitioner for issuance of caste certificate is not considered.

Shri Patil, the learned Assistant Government Pleader appearing for the respondents, states that since the petitioner is an adoptive child, the caste certificate was not issued to him, however, in view of the judgment of the Hon'ble Supreme Court reported in

(2012)3 SCC 400 (*Rameshbhai Dabhai Naika Versus State of Gujraj & Others*) and in view of the fact that a caste validity certificate is issued in favour of the adoptive mother of the petitioner, the respondent no.2-Competent Authority would take necessary steps to issue a caste certificate in favour of the petitioner, in accordance with law.

In view of the aforesaid, we dispose of the writ petition with a direction to the respondent no.2 to decide the application filed by the petitioner and issue the caste certificate in favour of the petitioner, as early as possible and positively within a period of two months.

Order accordingly. No costs.

JUDGE

JUDGE

APTE