

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1184 OF 2016

1 Yahaya Azam S/o Qurram Ahmed Khan,
age: Minor, occu: student

2 Yousuf Azam S/o Qurram Ahmed Khan
age: minor, occu: student

Both under guardianship of father
Dr. Khan Sayyed Qurram Ahmed
age: years, occu: Doctor,
H.No.5-6-2, Opp Police Commissioner Office,
Besides Vidyut Bhavan, Mill Corner,
Aurangabad

Petitioners

Versus

1 The State of Maharashtra
through : Its Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32

2 The Scheduled Caste Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad
through Its Deputy Director,
Aurangabad

3 The Sub Divisional Officer,
Aurangabad, Aurangabad

Respondents

Mr.H.D. Deshmukh advocate for the petitioners
Mr.S.S. Dande, Astt.Govt. Pleader for Respondents

CORAM : R.M. BORDE & A.I.S. CHEEMA, JJ

Date : 1st FEBRUARY, 2016.

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Rule. With the consent of the parties, petition is taken up for final disposal at admission stage.

2 The applications tendered by the petitioners for issuance of caste certificates have been turned down by the Sub Divisional Officer in view of the order passed on 24.1.2014. The petitioners need certificates for appearing for Board examination.

3 It is not a matter of dispute that, the father of the petitioners has been issued validation certificate, so also their relatives have been issued validation certificates by the competent scrutiny committee. The evidence produced by the petitioners with the Sub-divisional Officer is quite sufficient to issue caste certificates. It is recorded by this Court in several orders that, the caste certificates are to be issued on prima facie consideration of the documents produced and in-depth enquiry is contemplated only at the stage of issuance of validation certificate. In the instant matter, the evidence produced by the petitioners, is prima facie sufficient for issuance of the caste certificates, which need to be validated by the competent scrutiny committee to enable the petitioners to secure benefits in the matter of education and under the different Government schemes.

4 In view of above, instant petition is disposed of with a direction to respondent No.3 to issue caste certificates to both the petitioners within a period of one week from today. The orders refusing requests to issue caste certificate by the Sub divisional Officer are quashed and set aside.

5 Rule is made absolute to the extent specified above.
No costs.

(A.I.S. CHEEMA, J)

(R.M.BORDE, J)

vbd