

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.827 OF 2016

Jayashri d/o Ganesh Madankar
age: minor, occu: student,
Through Its Guradian
Ganesh Sakharam Madankar,
age: major, occu: labour
R/o Relgaon Post. Warud,
Tq. Bhokardan, Dist. Jalna

Petitioner

Versus

- 1 Jawahar Navoday Vidyalaya,
 Amba – Partur, Dist. Jalna
 through: The Principal
- 2 The Sub-Divisional Officer,
 Bhokardan, tq. Bhokardan,
 Dist. Jalna
- 3 The Scheduled Tribe Certificate-
 Scrutiny Committee,
 Aurangabad division,
 Aurangabad

Respondents

Mr.E.S. Murge advocate for the petitioner
Mr. V.M. Kagne, AGP for respondent No.2
Mr. S.B. Deshpande, ASG for respondent No.1.

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

Dated : 28th JANUARY, 2016.

ORAL JUDGMENT

(Per: R.M. Borde, J)

- 1 Leave to add the Scrutiny Committee, as party respondent.
- 2 Rule. With the consent of the parties, petition is taken up for
 final disposal, at admission stage.

3 The petitioner claims to belong to Koli Malhar, scheduled tribe (ST). She appeared for the examination, with a view to secure admission to Navodaya Vidyalaya and has been declared successful. Probably, because of her failure to submit the caste certificate, she was not admitted to the school during the last academic year and during the present academic year, one seat is kept reserve for the petitioner.

4 The petitioner tendered an application to the Sub-divisional Officer for issuance of the caste certificate on 12.1.2016 and the application is stated to be pending. The petitioner, in order to substantiate her claim, placed reliance on the evidence in the form of school record of herself, wherein, her caste is recorded as *Koli Malhar*. The school record of her father also records his caste as *Koli Malhar*. Apart from this, the real uncle of the petitioner has been issued caste certificate on 31.1.1991. The revenue circle inspector, Pimpalgaon, Tq. Bhokdardan, on home enquiry, has recorded that, the petitioner belongs to Koli Malhar.

5 Considering the documentary evidence, we are of the opinion that the petitioner, prima facie, satisfies the requirement for issuance of the caste certificate. The caste certificate is required to be issued by the Sub-Divisional Officer, on prima facie satisfaction of the claim and no in-depth enquiry is expected at

the stage of issuance of caste certificate.

6 In view of above, the respondent No.2 is directed to issue caste certificate in favour of the petitioner, within a period of two weeks from today. On receipt of the caste certificate, the attested copy of the same shall be produced to the School Authority, within a period of two weeks thereafter. The caste certificate that would be received by the petitioner shall be tendered for verification through the School Authority to the scrutiny committee, along with proposal in the prescribed proforma, within a period of 8 weeks from the date of receipt of the tribe certificate. The scrutiny committee shall verify the claim of the petitioner on receipt of proposal, within a period of one year. The respondent No.1 shall grant provisional admission to the petitioner, subject to the validation of the tribe certificate.

7 Rule is accordingly made absolute. There shall be no order as to costs.

(A.I.S. CHEEMA, J)

(R.M.BORDE, J)