

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1521 OF 2016

1 Archana Chandrakant Jamdar,
age: 28 years, occu: student,
R/o Bet Jawalga, Tq. Umarga,
Dist. Osmanabad

2 Kalpana Chandrakant Jamdar,
age: 24 years, occu: student,
R/o Bet Jawalga, Tq. Umarga,
Dist. Osmanabad

Petitioners

Versus

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

2 The Sub Divisional Officer,
Umarga, Dist. Osmanabad

3 Maharashtra Public Service Commission,
7th & 8th Floor, Cooperage Telephone Building,
Maharashi Karve Road,
Mumbai 400 021

Respondents

Mr.Anandsing Bayas advocate for the petitioners

Mr.P.S. Patil, Assistant Government Pleader for Respondents

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

(Date : 8th FEBRUARY, 2016.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken for final decision at admission stage.

3 The applications tendered by the petitioners for issuance of caste certificates, have been turned down by the Sub-divisional Officer for the reason that, the petitioners failed to substantiate their claims. The petitioners are real sisters. The petitioners placed reliance on the validation certificates issued in favour of their real elder sister and real brother by the competent scrutiny committee on 12.8.2013. Apart from this, the school record of the petitioners indicates their caste as *Koli Mahadev*. The report of the local enquiry also favours the petitioners. In this view of the matter, we are of the opinion that, the petitioners have prima facie established their claim for issuance of caste certificates.

4 Time and again, it has been directed by this Court to the Sub Divisional Officers to issue caste certificates on consideration of prima facie evidence and it was also made clear that, in-depth enquiry in respect of the caste claim of the concerned applicant is contemplated only at the stage of issuance of validity certificate by the scrutiny committee. It is observed that, the directions issued by this Court are overlooked by the Sub Divisional Officers. It was also instructed by this Court to the State Government to

issue appropriate directions to the Sub-divisional Officers, intimating them to issue caste certificates, on the basis of prima facie material. However, this Court is receiving petitions, making complaints of rejection of the applications, even though there is sufficient proof, even for issuance of validation certificates. It is expected of the State Government to issue appropriate directions to the Sub-Divisional Officers.

5 For the reasons recorded above, writ petition deserves to be allowed and the same is accordingly allowed. The Sub-Divisional Officer is directed to issue caste certificates to the petitioners, as expeditiously as possible and preferably within a period of two weeks from today.

6 Rule made absolute in above terms. In the facts and circumstances of the case, there shall be no order as to costs.

(A.I.S. CHEEMA, J)

(R.M.BORDE, J)