

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5537 OF 2012

Abhinav s/o Kishor Mali,
Age-25 years, Occu:Selectee,
R/o-13, Hareshwar Nagar,
Ring Road, Jalgaon,
Tq. & Dist-Jalgaon.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32,
- 2) The Sub Divisional Officer,
Jalna, Dist-Jalna,
- 3) The Scheduled Tribe Certificate
Scrutiny Committee,
Nandurbar Division, Nandurbar,
- 4) The Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division, Aurangabad,
- 5) Maharashtra Public Service Commission,
Bank of India Building, 3rd Floor,
Mahatma Gandhi Lane, Hutatma Chowk,
Mumbai-400 001,
Through its Secretary.

...RESPONDENTS

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Mr.Mahesh S. Deshmukh Advocate h/f. Mr. Vijay
B. Patil Advocate for Petitioner.
Mr.V.M. Kagne, A.G.P. for Resp. Nos.1 to 4.
Respondent No.5 served.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 18TH MARCH, 2016

ORDER :

1. The Petitioner assails the order 22nd June 2010 passed by the Scrutiny Committee and in alternate, also challenges the show cause notice.

2. In fact vide subsequent order dated 13th May 2011 the Committee had already directed the Sub Divisional Officer, Jalna to issue caste certificate to the Petitioner as belonging to "Mannervarlu", Scheduled Tribe. Pursuant to the said order, the Petitioner had approached the Sub Divisional Officer, Jalna, however the Sub Divisional Officer, Jalna had not issued the tribe certificate to the Petitioner and instead the Sub

Divisional Officer, Jalna filed Revision/Review Petition before the Committee on the ground that earlier vide order dated 22nd June 2010 the Petitioner's claim for grant of tribe certificate was rejected by the Scrutiny Committee.

3. We have heard Mr. Deshmukh, learned counsel for the Petitioner and Mr. Kagne, learned A.G.P. for Respondents.

4. In fact when the Scrutiny Committee, Aurangabad vide its order dated 13th May 2011 had directed the Sub Divisional Officer, Jalna to issue caste certificate to the Petitioner as belonging to "Mannervarlu", Scheduled Tribe, the Sub Divisional Officer, Jalna had only to perform the ministerial act of issuance of caste certificate and no further. The Sub Divisional Officer, Jalna, while entertaining the proceedings for issuance of caste certificate, is performing a quasi-judicial function and cannot be said to be

an adversarial party or litigant. There was no reason for the Sub Divisional Officer, Jalna in not abiding by the order of the Scrutiny Committee.

5. In light of that we pass the following order:

a). The impugned show cause notice is quashed and set aside. The Sub Divisional Officer, Jalna shall abide by the Judgment of the Scrutiny Committee dated 13th May 2011 and issue the caste certificate to the Petitioner as belonging to "Mannervarlu", Scheduled Tribe as directed by the Scrutiny Committee expeditiously, preferably within TWO MONTHS.

b). Writ Petition is disposed of, accordingly. No costs.

[A.I.S.CHEEMA, J.]

asb/MAR16

[S.V. GANGAPURWALA, J.]