

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 6316 OF 2016

Pranjali d/o Bhagwan Sonvane
age 15 years (minor) under guardianship of
her real father
Bhagwan Ganpat Sonavane
age 41 years, occ. Service
r/o Jamdi Jahagir, Tq. Kannad
dist. Aurangabad.

.. PETITIONER

VERSUS

01. The State of Maharashtra
Through the Secretary,
Social Welfare
Cultural Affairs,
Sports and Tourism Department,
Mantralaya, Mumbai.

02. The Sub Divisional Officer
Kannad, Taluka Kannad,
Dist. Aurangabad.

.. RESPONDENTS

Mr. A.D. Sugdare, advocate for petitioner.
Mr. P.S. Patil, AG P for the State.

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**CORAM : R.M. BORDE &
K. L. WADANE, JJ.
DATE : 21st JUNE, 2016.**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of learned counsel for the respective parties.
3. Petitioner has approached this Court seeking directions against respondent no. 2 in respect of issuance of caste certificate certifying that petitioner belongs to Scheduled Tribe Koli Malhar caste.

4. It is the contention of petitioner that proposal was tendered in the office of respondent no. 2 however, the same was returned back with directions to submit additional documents. It is stated that the proposal was submitted on 28.01.2016 however, the same was also returned. We do not understand as to why the proposal tendered by petitioner shall not be processed in the background that father of the minor child is in receipt of caste validation certificate issued by the competent Scrutiny Committee. Petitioner did tender the caste validation certificate issued in favour of her father to the Sub-Divisional Officer. According to us, said document i.e. validation certificate issued in the name of father of petitioner is sufficient to establish claim of petitioner for issuance of atleast caste certificate. This Court has ruled in number of matters that caste certificate has to be issued on prima facie consideration of material placed by the applicant and the individual / applicant is not entitled to secure any benefit under the Government policy or in the matter of education or employment unless validation certificate is issued by the Scrutiny Committee. At the stage of issuance of validation certificate the Scrutiny Committee is entitled to conduct a detailed probe in the matter. In number of matters it is observed that these directions issued by High Court while disposing of several writ petitions have been overlooked by the Sub-Divisional Officer. The State Government shall impress upon the issuing authority the principle that caste certificate shall have to be issued merely on prima facie satisfaction of the claim and in depth enquiry is not contemplated at the state of issuance of caste certificate by the issuing authority.

5. For the reasons recorded above, writ petition deserves to be allowed and the same is accordingly allowed. The Sub-Divisional Officer shall accept the proposal that would be tendered by petitioner within one week from today and, respondent no. 2 shall issue caste certificate in the prescribed proforma within one week from the date of receipt of the proposal. Rule made absolute accordingly. No costs.

(K. L. WADANE)
JUDGE

(R. M. BORDE)
JUDGE

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