

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6458 OF 2016

Archana D/o Laxman Pithale

Petitioner

Versus

The State of Maharashtra and another

Respondents

Mr.V.U. Jadhav advocate for the petitioner
Mr.M.B. Bharaswadkar,AGP for Respondents.

CORAM : R.M. BORDE &
K.L.WADANE, JJ

(Date : 22nd June, 2016.)

PER COURT :-

1 The petitioner is objecting to the order passed by the Sub Divisional Officer, Parbhani dated 2.3.2016, refusing to issue caste certificate as requested by the petitioner, certifying that she belongs to Koli Mahadev Scheduled Tribe (ST).

2 The school record of the petitioner indicates entry in respect of her caste as Koli Mahadev. Apart from this, the Competent Authority has issued caste certificate to her father and real sister. Since the father and real sister are recipients of the caste certificate issued by the Compete Authority, no further document for establishment of her prima facie entitlement to receive caste certificate should have been called for. The petitioner is desirous of securing admission to agricultural course and as such urgently needs the certificate.

3 In view of the peculiar facts, in stead of driving the petitioner to approach the appellate forum, we direct the Sub-divisional Officer to issue tribe certificate, as requested by the petitioner certifying that, she belongs to Koli Mahadev ST, as expeditiously as possible and preferably before 29th June, 2016.

4 The order passed by the Sub-divisional Officer on 2.3.2016 is quashed and set aside. It is clarified that, the caste certificate issued to the petitioner is merely on the basis of prima facie consideration and the petitioner shall have to substantiate her claim at the stage of validation of the caste certificate by the Competent Scrutiny Committee. The observations made by this Court are of prima facie nature and the Scrutiny Committee, while deciding the caste validation claim of the petitioner shall not be weighed by the observations made in the instant order and shall take independent decision on merits in accordance with la,w.

5 With the directions as above, the writ petition is disposed of.

6 Parties to act upon the authenticate copy.

(K.L. WADANE, J.)

(R. M. BORDE, J.)