

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

WRIT PETITION NO. 10373 OF 2016

Vilas s/o Jagannath Bolelu
age 52 years, occ. Service
r/o 1-8-183, Gopalpura,
New Jalna, Tq. Jalna
Dist. Jalna.

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Schedule Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director ®
Aurangabad.
3. The Tahsildar
Jalna
Dist. Jalna
4. the Sub Divisional Officer,
Jalna, Dist. Jalna
5. The Executive Engineer,
Public Works Department no. 1,
Jalna
Dist. Jalna.

.. RESPONDENTS

Mr. S.M. Vibhute, advocate for petitioner.
Mr. P.S. Patil, AGP for the State.

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**CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.
DATE : 15th OCTOBER, 2016.**

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

1. Leave to add respondent.

2. Rule. Rule made returnable forthwith.
3. Heard finally with the consent of learned counsel for the respective parties.
4. Petitioner is aggrieved by the order passed by the Sub-Divisional Officer, Jalna dated 16.08.2016 rejecting application tendered by him for issuance of caste certificate. Petitioner was possessed of the certificate issued by the Taluka Executive Magistrate certifying that he belongs to Mannervarlu Scheduled Tribe. However, since the certificate does not bear the surname of petitioner, the Scrutiny Committee refused to entertain the proposal for verification of the caste certificate and directed confiscation of the certificate with liberty to petitioner to secure proper certificate and submit the same for verification.
5. It is not a matter of dispute that as a result of deficiency in recording surname, which is of technical nature, the claim of petitioner has been turned down. In such circumstances, placing reliance on the earlier certificate issued by the competent authority, the Sub-Divisional Officer ought to have recorded necessary correction and ought to have issued fresh certificate. It is also informed by petitioner that his two sons have been issued caste certificate by the same authority which has passed the impugned order rejecting the application tendered by petitioner.
6. In the circumstances, the order passed by the Sub-Divisional Officer,

Jalna dated 16.08.2016 rejecting the application tendered by petitioner for issuance of caste certificate is quashed and set aside and the concerned respondent is directed to issue caste certificate in favour of petitioner in the prescribed proforma within a period of two weeks from today. Petitioner, on receipt of the certificate, shall tender the same for verification to the caste certificate scrutiny committee within a period of six weeks alongwith necessary documents and in prescribed proforma. Respondent-Scrutiny Committee shall scrutinise the proposal and take decision in respect verification of the caste certificate, as expeditiously as possible, preferably within a period of one year from the date of receipt of the proposal. In the meanwhile, respondent employer shall not take any adverse action against petitioner on the ground of his failure to submit validation certificate. Petitioner undertakes to co-operate the Scrutiny Committee in deciding the caste certificate verification claim. Rule is accordingly made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

(K. K. SONAWANE)
JUDGE

(R. M. BORDE)
JUDGE

dyb