

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11789 OF 2015

Ashish Subhashsing Tatu Thakur
age: 20 years, occu: student
R/o Limbayat, Tq. Mahur
Dist. Nanded

Petitioner

Versus

1 The State of Maharashtra
through its' Secretary,
Tribal Development Department
Mantralaya, Mumbai 32

2 The Divisional Caste Certificate
Scrutiny Committee No.2
Aurangabad division, Latur
Tq. & Dist. Latur

3 The Sub-Divisional Officer,
Kinvat, tq. Kinvat, Dist. Nanded

Respondents

Mr.P.V. Jadhavar advocate for the petitioner

Mr.S.S.Dande, AGP for Respondent No.1 to 3

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

Dated : 11th JANUARY, 2016.

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule.

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

4 The petitioner is objecting to the order passed by the
Scrutiny Committee dated 29.10.2015, confirming the order
passed by the Sub-Divisional Officer, refusing to issue caste
certificate in favour of the petitioner.

5 The petitioner claims to belong to Rajput Bhamta caste,
which is included in Vimkta Jati category. He tendered an
application to the Sub-Divisional Officer, requesting for issuance of
caste certificate, together with documents in support of his claim.
The Sub-Divisional Officer rejected the application, which order
has been confirmed by the Scrutiny Committee.

6 The petitioner, in order to substantiate his claim, has placed
on record, his own school record, wherein the entry in respect of
his caste is recorded as *Hindu Rajput Bhamta*. There is a validation
certificate produced on record, in respect of Mahindrasingh
Onkarsingh, who is claimed to be a blood relation of the petitioner.
However, on perusal of the genealogy presented at page No.19, it
appears that, the said person is a distant relation of the petitioner.
We have also perused the report of the local enquiry, conducted

by the revenue officials. It is recorded by the revenue officials, conducting the enquiry that, the petitioner's family belongs to Rajput Bhamta caste. There is sufficient prima facie material placed on record to pursued the Sub-divisional Officer to issue the caste certificate in favour of the petitioner. The caste certificate has to be issued by the authority on prima facie satisfaction of the claim and in depth enquiry at the stage of issuance of caste certificate is not contemplated. It is well established that, the detail enquiry is required to be conducted at the stage of issuance of validity certificate and caste certificate shall have to be issued on consideration of prima facie material produced on record. The petitioner shall not be entitled to claim benefits in respect of education, employment or benefits under any Government scheme, unless he produces validation certificate.

7 In this view of the matter, we are of the opinion that, the authorities below have erred in refusing to issue caste certificate in favour of the petitioner as requested by him. The orders impugned in this petition are thus quashed and set aside. The Sub-Divisional Officer is directed to issue caste certificate in favour of the petitioner, as expeditiously as possible and preferably within a period of four weeks from today. It is clarified that, the observations made in this order are of prima facie character and it

would be open for the scrutiny committee to conduct in depth enquiry in the matter at the stage of issuing validation certificate.

8 Rule is accordingly made absolute.

9 There shall be no order as to costs.

(A. I. S. CHEEMA, J)

(R.M.BORDE, J)

vbd