

Ajinkya Mangesh Nagpure	}	Petitioner
versus		
State of Maharashtra and Ors.	}	Respondents

Mrs. Hemlata B. Garane - Research Officer, Caste Verification Committee, Nashik present.

DATED :- APRIL 29, 2016

When this petition was placed before us on prior occasion and even today in the morning session, we inquired from Ms. Bhende as to how the stand of the committee can be justified. The committee had before it a caste validity certificate issued to the first cousin of the petitioner. This cousin is from the paternal side. The relationship as paternal cousin was established by producing a family tree and an affidavit. Yet, the committee, without any scrutiny and verification, refused to validate the claim on a ground which is beyond the control of the petitioner.

The ground and the reason is that the caste certificate, of which validation is sought, is not issued by a competent authority. The caste certificate should have been issued by an authority competent to issue it and based in the Nashik District. Once the petitioner has migrated from Nagpur to Nashik and is stated to be resident of Yeola in the Nashik District, then, the certificate issued by the Sub-Divisional Officer, Yeola is without jurisdiction. It is held that the petitioner's family is a migrant from Nagpur to Nashik District, though both districts are within the State of Maharashtra.

2) In the facts peculiar to this case, we have found that this is not a sound reason and for refusing to scrutinise and verify a tribe claim. The petitioner's claim has not been denied or rejected on the ground that there is no relative in the family and from the paternal side whose tribe certificate has been validated. It is also not rejected on the ground that the petitioner, after some inquiry and investigation, was found to be not belonging to the tribe claimed. Once the solitary ground on which it has been rejected is noted above that we called upon Ms. Bhende to take instructions and make an appropriate statement.

3) We are happy to note that in the presence of a member of the committee, Ms. Bhende, on instructions, states that the

committee withdraws the impugned order. Once the order is withdrawn, the committee will proceed to validate the caste claim of the petitioner as expeditiously as possible and issue requisite certificate within four weeks from today. We accept the statements made on instructions, as undertakings given to this court and equally, the committee must abide by our directions and validate the caste claim so as to facilitate the petitioner to pursue the engineering degree course. The committee shall also take into consideration the three caste validity certificates, details of which are to be found at page 26 of the paper book. It is also claimed by Mr. Mendadkar that in the case of *Gayatrilaxmi Bapurao Nagpure*¹ (a close relative) the claim has been upheld by the Hon'ble Supreme Court of India. We have no doubt that the committee will consider even these certificates and the order of the Hon'ble Supreme Court of India, as it pertains to the same family and issue the validity certificate as directed above.

4) With the aforesaid directions, the writ petition is disposed of.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (S.C.DHARMADHIKARI, J.)

¹ 1996 AIR 1338