

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION**

WRIT PETITION NO.12338 OF 2015

Prajit Bhagvan Thakur

.. Petitioner

vs

State of Maharashtra & ors

.. Respondents

Mr.R.K.Mendadkar a/w Ms.Helen

Koli-Mandlik for Petitioner

Mr.V.N.Sagare Asst.Govt.Pleader for Respondents

...
CORAM: **ANOOP V.MOHTA AND**
G.S.KULKARNI, JJ
DATE: **11th JANUARY, 2016**

ORDER:

1. Rule. Rule returnable forthwith. Heard finally by consent of parties.

2. We are inclined to dispose of the present writ petition by directing Respondent no.5 to decide application dated 26th November 2015 filed by the Petitioner's father as that is relevant for deciding the claim of the Petitioner being the son and specifically in view of Rule 5 (2) (a) and 5 (2) (b) of the Maharashtra Scheduled Tribes (Regulation of issuance and verification of certificate) Rules 2003

and also for the reason that the Petitioner is enjoying service since 6th March 2003 based upon this caste certificate issued by the Competent authority which the Caste Scrutiny Committee after hearing the parties and noting the issue as well as the Rules in question have declared the caste certificate to be invalid and therefore directed to be cancelled and confiscated. However, liberty is granted to obtain the Caste certificate from the Competent authority in proper format. Therefore, we see no reason to interfere with the order so passed. However, we are inclined to direct respondent no.2 to decide the Caste certificate/issue appropriate certificate of the father and also of the Petitioner, if he applies in accordance with law and as early as possible preferably within a period of six weeks.

3. Petition is disposed of with liberty.

G.S.KULKARNI, J

ANOOP V. MOHTA, J

CERTIFICATE

Certified to be true and correct copy of the original signed Judgment/order.

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