

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1744 OF 2017

Saroja D/o Gangadharrao Dhodade

.. Petitioner

VS.

The State of Maharashtra and ors.

.. Respondents

Mr. S.M. Vibhute, Advocate for the petitioner

Mrs. A.V. Gondhalekar, A.G.P. for the respondent/State

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**

DATE : 12-06-2017

ORAL ORDER :

1. The only relief that is prayed in the Petition is that the petitioner be issued caste validity certificate.

2. We have, on umpteen occasions held that within the family, there can not be a situation of the nature, as is repeatedly created by the State. If a father belongs to the Scheduled Tribe or Scheduled Caste, his progeny can not be belonging to some other caste or tribe. All that is required, is one more validity certificate and on the lines issued to the father earlier.

3. In the instant case, what we find is that the petitioner claims to be belonging to Mannervarlu Scheduled Tribe. The Sub Divisional Officer, Degloor has issued tribe certificate in favour of the

petitioner. Pertinently, while securing employment on such a certificate as Shikshan Sevak and putting in three years of service, the petitioner though allowed his employer to forward his caste certificate for verification and scrutiny, it was pointed out that two real brothers of the petitioner, namely, Dnyaneshwar and Yogeshwar have been issued certificates of validity by the same Scrutiny Committee. That was never cancelled or withdrawn. The certificate of validity issued to Yogeshwar is dated 03/08/2011. A copy of the same is annexed to the Petition and marked as Annexure "C" Collectively. Similar is the fact pertaining to his brother Dnyaneshwar but the petitioner's Advocate states that certificate of validity issued to Dnyaneshwar could not be traced and made available at the relevant time. He is ready and willing to produce that as well.

4. If these two persons in same family and petitioner's real brother were issued the certificates of validity, we see no reason for the Scheduled Tribe Caste Certificate Verification Committee, Aurangabad to sit over the claim of the present petitioner. Such claim requires no adjudication and any further scrutiny. The Committee has not cancelled certificate of validity issued to Yogeshwar. On the basis of said validity certificate, he must have obtained benefits and advantage of scheduled tribe. Thus, the petitioner can not be deprived of certificate of validity in the teeth of all this overwhelming evidence.

5. There is no reason to keep the claim of the petitioner pending for what enquiry, scrutiny and verification is then necessary, has been not clarified to us at all.

6. In such circumstances, we direct the Scheduled Tribe Caste Certificate Verification Committee, Aurangabad to issue certificate of validity to the petitioner within two (2) weeks from today, failing which the Research Officer of the Committee will have to remain present in this Court and answer the Court's queries and also invite action in contempt.

7. With these directions, the Writ Petition is disposed of.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/