

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 7511 OF 2017**

**KARAN S/O RAJEDNRA PATIL MINOR THROUGH
GUARDIAN FATHER R.B.PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

**...
Mr.P.R.Patil,Adv. For petitioner
AGP for Respondents: Mr.P.S.Patil**

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

DATE : 07/06/2017

PER COURT :-

- 1] Mentioned out of turn. This petition was taken up though it was not listed on today's board purely on account of the urgency.
- 2] The petitioner's request for issuance of a caste certificate in our opinion was innocuous.
- 3] The committee set up under the Maharashtra Act No.XXIII of 2001 of Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes, (Vimukta Jatis) Nomadic Tribes, Other backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act of 2000 ought to have been aware of the distinction made by law. There is a caste certificate to be issued by the competent authority and in the event that is refused or not issued, then a Appellate power is vested in the committee to scrutinize the legality and validity of such an action or order. Once caste certificate is issued and on the strength of which concessions

and benefits are sought or granted in the form of contesting election or admission to educational institutions or obtaining public employment, then on the strength of such caste certificate admission or employment can be obtained but the claim has to be validated and this time exercise of this scrutiny committee is distinct. It has to verify and scrutinise the claim based on which the caste certificate is issued. That may take time. But we do not think that the delay in disposal of the request in the form of an appeal made by the petitioner against order of the competent authority refusing to issue caste certificate can be justified on the ground that the committee desires to cross check as to whether the certificate of validity issued and copies of which are at pages 16, 17 and 18 are indeed issued by scrutiny committee at Nashik.

4] We think that based on these 'certificates' of validity a caste certificate can very well be issued to the petitioner by reserving to the committee its rights and powers to verify and scrutinize the claim in the event petitioner is successful in obtaining admission to the educational course on the strength of such certificate.

5] In the light of the above and the competent authority having failed to exercise its powers in accordance with law and equally the delay being attributable to the scrutiny committee, we direct the scrutiny committee to issue a caste certificate. We dispose of the appeal before scrutiny committee by directing that a caste certificate shall be issued by competent authority to the petitioner. The certificate should be issued as expeditiously as possible and before 10th of June, 2017. All concerned shall act on the authenticated copy of this order.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)