

UNREPORTED**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY****BENCH AT AURANGABAD.****WRIT PETITION NO.13742 OF 2017**

Amardeep S/o Shambhuling
Ganachari, Age 28 years,
Occ.Nil, R/o Mangalwar Peth,
Kaij, Tq. Kaij, Dist.Beed. ... Petitioner.

Versus

1. The State of Maharashtra,
through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai-32.

2. District Caste Scrutiny
Committee, Beed.

3. The Sub-Divisional Officer,
Ambajogai, Tal.Ambajogai,
Dist.Beed. ... Respondents.

...
Mr.R.D.Khadap, advocate for the petitioner.
Ms.R.P.Gour, A.G.P. for the State.

...

**CORAM : S.V.GANGAPURWALA AND
S.M.GAVHANE, JJ.**

Date : 27.11.2017.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Rule.

2. Learned A.G.P. accepts notice of Rule for all Respondents.

3. Rule returnable forthwith. With the consent of parties, the petition is taken up for final hearing.

4. Learned counsel submits that application for issuance of caste certificate of Bedajangam is rejected. Appeal preferred against the said order is dismissed.

5. Learned counsel submits that birth and death Register of the year 1962 records the caste of the great grand father of the petitioner as Bedajangam. Even the birth and death register records the caste of the grand father of the petitioner as Bedajangam. The School record of the petitioner records caste as Bedajangam. The father and the real brother of the petitioner are issued with the caste certificate of Bedajangam. In spite of all this record, the application for issuance of caste certificate of Bedajangam is rejected.

6. Learned A.G.P. submits that no record prior to 1951 is produced. After subjective satisfaction, the application and appeal are rejected.

7. At the time of issuance of caste certificate, the authority has to be prima facie satisfied. The School record of the petitioner consistently records caste as Bedajangam. The death and birth register of the year 1962 records caste of the great grand father of the petitioner as Bedajangam. The birth and death Register of the year 1996 records the caste of the grand father of the petitioner as Bedajangam. There is not a single contra evidence on record. The father and the real brother of the petitioner are issued with the caste certificate of Bedajangam.

8. Considering above, there was no impediment for issuance of the caste certificate to the petitioner of Bedajangam caste. The said certificate would have to undergo strict test at the time of verification before the Committee.

9. In light of the above, the impugned orders are quashed and set aside. The Respondent No.3 shall issue the caste certificate to the petitioner of Bedajangam as applied expeditiously, preferably within one (1) month.

10. Rule accordingly made absolute in above terms. No costs.

Sd/-

(S.M.GAVHANE, J.)

Sd/-

(S.V.GANGAPURWALA, J.)

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