

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.3252 OF 2018

Vijay S/o Sambhaji Sambetwad ... Petitioner.

Versus

The State of Maharashtra
and another. ... Respondents.

...

Mr.S.M.Vibhute, advocate for the petitioner.
Mr.P.S.Patil, Additional Government Pleader for
the State.

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 04.04.2018.

PER COURT :

1. Learned Counsel for the petitioner submits that the petitioner had submitted proposal for verification of his caste certificate to the respondent - Committee. Respondent - Committee refused to accept it on the ground that there is no immediate purpose, such as election, service or education, for which the petitioner needs the validity

certificate.

2. Section 6 (2) of the Maharashtra Scheduled Castes, Scheduled Tribes De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No.23 of 2001) mandates the Committee to accept the proposal submitted by a person desirous of availing the benefit or concession provided by the Act, for verification of the caste claim. The reason for seeking validation may be varied. When a person approaches the Committee for verification of his caste claim, the Committee cannot refuse to accept the proposal on the ground that it is submitted by an individual and there is no immediate need for the said Committee to get the validity certificate. When the petitioner approaches the Committee seeking verification of his caste certificate, he is seeking verification of his caste status. If the proposal is submitted to the Committee, it is incumbent upon the Committee to accept the proposal and decide it in accordance with law.

3. Time and again we have passed the orders directing the Committee not to refuse to accept the proposal for verification of caste certificate, when it is submitted by the individual and though it is not routed through the institution.

4. The only caution would be that the proposal should be submitted complete in all respect and in proper form.
5. None of the government instructions pointed out to us even remotely suggests that the proposal submitted by the individual cannot be accepted or that it is to be accepted only if the candidate requires it for the purpose of education or service.
6. The Committee may determine the priority of deciding the proposal. In some cases, the candidate may have immediate need, the Committee may give priority to those proceedings. However, cannot refuse to accept the proposal only on the ground that it is submitted by the individual.
7. In case the proposal submitted by the petitioner is in proper form and complete in all respect, then the respondent - Committee shall not refuse to accept the proposal and shall decide it in accordance with law and as per the procedure.
8. Writ Petition is accordingly disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

