

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7656 OF 2014

Nikhil Ramkrushan Wardekar

.. **Petitioner**

Versus

District Supply Officer, Parbhani
and others

.. **Respondents**

Shri D. B. Shinde h/f Shri Mahesh S. Deshmukh, Advocate for the Petitioner.

Shri P. S. Patil, Addl. G. P. for Respondent No. 1.

Shri K. D. Bade patil, Advocate for Respondent No. 4. (*Absent*)

Respondent Nos. 2 and 3 served.

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

DATE : **25th April, 2018**

PER COURT :

1. It is submitted that the validation proceeding has been disposed of on the ground that the caste certificate has been issued by the Sub Divisional Officer, Parbhani and the permanent place of residence as on the date of notification was Village - Wardha, Taluka - Manora, District – Washim.

2. Learned counsel for the petitioner submits that, grandfather of the petitioner has been issued with the caste certificate by Executive Magistrate, Mangrulpir, District - Akola now in District – Washim.

3. We have heard the learned Additional Government Pleader also.

4. Rule 5 (2) (b) of Rules of 2003 under Maharashtra Act No. XXIII of 2001, provides that if the grandfather or father of the candidate has been issued with caste certificate and thereafter the migration takes place, the authority where the candidate has migrated has got jurisdiction to issue the caste certificate.

5. The father and the grandfather of the petitioner has been issued with the caste certificate from the original place of residence of the petitioner's ancestors as on the date of notification i.e. 6th September, 1950. In view of that, the Sub Divisional Officer, Parbhani has the jurisdiction to issue the caste certificate.

6. The another objection raised by the learned Addl.G.P. is that the caste certificate is not in 'Form – C'.

7. The committee has not observed that the caste certificate issued by the Sub Divisional Officer, Parbhani is a false caste certificate. In such case, where the committee comes to the conclusion that the caste certificate is not issued by the appropriate authority or that there is spelling mistake in the caste certificate, instead of confiscating the caste certificate the original caste certificate with endorsement of cancelled shall be returned to the candidate with direction to obtain the corrected caste certificate.

8. The committee shall return the original caste certificate with endorsement of cancelled to the petitioner for getting the caste certificate in 'Form - C'. The petitioner shall submit the original caste certificate and / or the attested caste certificate received from the committee to the concerned Sub Divisional Officer. On receipt of the same, the Sub Divisional Officer, Parbhani shall issue the caste certificate in 'Form - C' within four

(4) weeks. Immediately on receipt of the said caste certificate, the petitioner shall submit the certificate in 'Form - C' to the committee and committee shall thereafter decide the validation proceeding within six (6) months. The employer shall not take adverse action against the petitioner only on the ground that the validation proceeding is pending. The employer may take stock of the proceeding on lapse of six (6) months.

9. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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