

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

WRIT PETITION NO. 11400 OF 2016

Shivrudra Basling Swami .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri. P.V. Jadhavar, Advocate for the Petitioner.

Shri. K.N. Lokhande, A.G.P. for Respondent Nos. 1 to 3.

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

DATED : 28th February, 2018

PER COURT:

. The application filed by the petitioner for issuance of caste certificate of Beda Jangam (Scheduled Caste) is dismissed. The appeal filed against order of the Sub Divisional Officer also dismissed.

2. Mr. Jadhavar, the learned advocate submits that the school record of the petitioner, his brother records caste as Beda Jangam. Even the report of the circle officer is in favour of the petitioner. Only on the

ground that the parent's record is not there, the application is rejected.

3. According to the learned counsel, at this stage, Court has to be prima facie satisfied. The learned counsel submits that cousin uncle of the petitioner is issued with caste certificate as Beda Jangam (scheduled caste).

4. The learned Assistant Government Pleader submits that the record produced by the petitioner is of recent period. Apart from his school record there is no other evidence to show that the petitioner belongs to Beda Jangam caste. The record of the father of the petitioner does not support the case of the petitioner.

5. We have considered the submissions. At this stage of issuance of caste certificate, the authorities have to be prima facie satisfied. The school record of the petitioner and his brother shows caste being recorded as Beda Jangam. In the record of the father, caste is recorded as Hindu. The same may not be contra evidence, as Hindu is religion and no caste is recorded. The circle officer has also given the report.

6. Even otherwise the caste certificate issued will be subjected to

scrutiny by the scrutiny committee.

7. The learned counsel for the petitioner also on instructions states that the petitioner would not claim benefit of reservation unless and until validity certificate is issued.

8. Considering the aforesaid conspectus, the impugned orders are quashed and set aside. The Sub Divisional Officer shall issue the caste certificate to the petitioner as belonging to Beda Jangam (Scheduled Caste) within a period of eight (8) weeks from today. Needless to say the said caste certificate will be subject to independent verification by the Scrutiny Committee. The petitioner shall not claim benefit of reservation on the basis of said caste certificate unless and until the Scrutiny Committee upon following the procedure is satisfied of issuance of validity certificate

9. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]