

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7331 OF 2018

Kum.Harshda Pradipkumar Sapkale
Through Father and Natural
Gurdian Pradipkumar Laxman Sapkale ...Petitioner
V/s.
The State of Maharashtra
Through Secretary & Ors. ...Respondents

Mr.R.K. Mendadkar for the Petitioner.

Mr.V.M. Mali, AGP for the Respondent-State.

**CORAM : S.C. DHARMADHIKARI &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 11th JULY 2018

P.C.:

1. After hearing both the sides, we are of the view that this Writ Petition is nothing but a fruitless and frivolous attempt on the part of the Government and the competent authorities under the Maharashtra Act No.XXIII of 2001 and wasting our time.

2. Merely because the petitioner says that she belongs to Koli Mahadev, Scheduled Tribe and seeks a caste certificate in that certifying her as such so also requesting that an error in the caste certificate be corrected accordingly, will not automatically make the

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petitioner a Koli Mahadev, Scheduled Tribe member. The caste certificate being issued does not mean that the claim is decisive and conclusive. The underlying claim will have to be verified if the certificate is relied upon by the petitioner to either seek admission, job or any electoral office and at that stage, this certificate has to be forwarded to the competent Scrutiny Committee for verification or scrutiny of such claim. Therefore, the correction, as sought by the petitioner, confers no benefit on her. It is mere correction of an error in the description of the tribe. Beyond that nothing more can be read into the application of the petitioner and, if it is granted, there is no prejudice or harm to the larger public interest, much less, to the State. It will not be contrary to the mandate of Maharashtra Act No.XXIII of 2001.

3. Hence, the petitioner be issued a corrected caste certificate by the competent authority, namely, the third respondent, within a period of one week from today. The Writ Petition is allowed in these terms.

(SMT.BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI,J.)