

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14404 OF 2016

Kalyani R. Thakur.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. R. K. Mendadkar for the Petitioner.

Mrs. M. P. Thakur, AGP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **January 18, 2018.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. By this petition, the Petitioner is challenging the order dated 30th September 2015 passed by Respondent No.2-Caste Scrutiny Committee, thereby invalidating the caste certificate dated 5th February 2010 granted to the Petitioner by Respondent No.3. The caste certificate is invalidated only on the ground that the Competent Authority – the deputy collector (Respondent No. 3) has not issued Petitioner's caste certificate in proper form by filling-in requisite information.

2. We have gone through the said caste certificate issued by Respondent No. 3, copy of which is annexed at Exhibit-C. Perusal of the same discloses that the said caste certificate is issued by

Respondent No.3 after verification of five documents, namely, the school leaving certificate / bonafide certificate of the Petitioner, the school leaving certificate of the Petitioner's father, the affidavit executed before the executive magistrate, Nashik, the caste certificate of the Petitioner's father and the caste validity certificate of the Petitioner's father. The said caste certificate however, shows that the deputy collector has not filled the blank spaces in Clause (3) of the said certificate. The certificate nevertheless shows that the same is issued after verifying documents mentioned hereinabove.

3. The caste scrutiny committee – Respondent No. 2 has invalidated the Petitioner's caste certificate only because of the error committed by Respondent No.3, namely, not filling in the blank spaces of the caste certificate. The Petitioner cannot be penalised for the fault committed by Respondent No. 3.

4. In above circumstances, we dispose of this writ petition by passing following order :

- [1] The Petitioner is at liberty to file fresh application before Respondent No.3 for caste certificate.
- [2] On receipt of such application, Respondent No.3 shall issue the certificate in proper format without embarking upon further enquiry in the matter. That shall be done within 15 days from the date of receipt of application.

- [3] After issuance of the caste certificate by Respondent No.3 as specified above, the Petitioner shall produce the same for verification before Respondent No.2 within the period of six weeks from the date of receipt of such certificate.
- [4] Respondent No.2 shall accept the proposal that would be submitted by the Petitioner directly and shall proceed to verify the status claim of the Petitioner in accordance with the law and provisions 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 and Rules framed thereunder.
- [5] Respondent No.2 shall take appropriate decision on the Petitioner's application as expeditiously as possible and at any rate within the period of three months from the date of receipt of such application.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]