

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO. 3434/2018**

Piyush S/o Milind Kedare

..VS..

State of Maharashtra & ors.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI AND**  
**Z.A.HAQ, JJ.**

**DATED : 10/08/2018**

1] Heard Advocate Mehta for petitioner and Ms. Deshpande, learned AGP for respondents.

2] Petitioner has caste certificate issued by competent authority which demonstrates that he belongs to Halbi ST. He wants same to be verified by respondent no. 3/Committee.

3] Learned AGP on behalf of respondents submits that petitioner so far Has taken education as a student belonging to open category and there is nothing on record to show that he wants to avail any benefit as a ST candidate. She submits that procedure prescribed in terms of Section 6 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 (for short “ the Act No. 23 of 2001”), petitioner has to apply on-line and it is possible only when the application is sponsored/forwarded by some institution. She is relying upon reply affidavit to explain the procedure.

4] Advocate Mehta submits that petitioner has caste

certificate which shows his desire to assert status as ST. His father and uncle also have validities. Till date, petitioner was not required to use that status but in future petitioner may be required to do so. Hence, to avoid any complication and delay, petitioner has approached well in advance.

5] Substantive part of Section 6 of the Act No. 23 of 2001 enables any person who has caste certificate to seek its verification. Verification has to be in mode and manner as prescribed. Rules therefore can prescribe mode and manner of verification but cannot prima facie deny a person possessing caste certificate from applying for verification. Contention of learned AGP that as petitioner has not taken admission as ST student and as his application cannot be filled in on-line, same cannot be verified appears to be unsustainable. On-line procedure is created by respondents for convenience of everybody and not to deny opportunity to the diligent citizens like petitioner. Respondents cannot point out fault in their system to throw out petitioner.

6] We therefore direct respondents to accept the caste case of petitioner for verification in terms of Section 6 of the Act No. 23 of 2001 within two weeks from today. Acceptance shall be either through hard copy supplied by petitioner or then in alternate also on-line if permitted by system.

7] With this direction, we partly allow the writ petition and dispose it of. No costs.

**JUDGE**

**JUDGE**