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

WRIT PETITION NO.171 OF 2019

Ashwini d/o Ravindra Thakur,
Age: 26 years, Occ: Student,
R/o. Gujar Ali, Chopda,
Tq. Chopda, Dist. Jalgaon. ..PETITIONER

VERSUS

1. The State of Maharashtra
Department of Tribal
Development, Mantralaya,
Mumbai-22. Through its
Secretary.
2. The Sub Divisional Officer,
Amalner Division, Amalner,
Dist. Jalgaon. ..RESPONDENTS

Mr Sushant C. Yeramwar, Advocate for petitioner;
Mr K.N. Lokhande, A.G.P. for respondent/State;

**CORAM : PRASANNA B. VARALE
AND
S.M.GAVHANE, JJ.**

DATE : 8th JANUARY, 2019

ORAL ORDER :

Heard learned Counsel appearing for the
petitioner.

2. The petitioner, by way of present

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petition, is challenging the order passed by respondent No.2 i.e. competent authority and Sub Divisional Officer, Amalner Division, Amalner, District Jalgaon dated 30th November, 2018.

3. It is submission of learned Counsel for the petitioner that the order impugned in the petition is unsustainable on more than one grounds. He submitted that the petitioner was prosecuting studies and after completion of 12th standard examination, she submitted an application to respondent No.2 for issuance of caste certificate along with necessary documents and the family tree/genealogy of the petitioner. The petitioner submitted as many as six documents before the authority; (1) school leaving certificate of the petitioner dated 03.06.1998, (2) caste certificate issued in favour of the father of petitioner dated 29.08.1981, (3) copy of school leaving certificate of father of the petitioner dated 26.06.1969, (4) copy of service book of father of the petitioner dated 24.09.2001, (5) copy of school leaving

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certificate of grand father of petitioner namely Vitthal Govinda Thakur, dated 02.09.1941 and (6) copy of validity certificate issued in favour of uncle of the petitioner namely, Liladhar Punju Thakur dated 13.10.1989. The copies of these documents are also placed on record along with the petition.

4. Now, school leaving certificate of the petitioner dated 24th February, 2016 clearly refers to social status of the petitioner as a candidate belonging to Hindu Thakur, Scheduled Tribes. Then there is school leaving certificate of father of the petitioner Ravindra Vitthal Thakur, wherein status of the father of petitioner is referred to as Hindu Thakur and then there is copy of service book of the father of petitioner Ravindra Vitthal Thakur, wherein there is again reference made to the social status of the father of petitioner as a person belonging to Thakur category. Then there is caste certificate issued in favour of the father of petitioner Ravindra Vitthal Rathod issued by

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Executive Magistrate on 29th June, 1981 again refers to the social status of father of petitioner as Thakur Tribe. There is copy of school leaving certificate of grand father of petitioner namely Vitthal Govinda Thakur. This copy is received by the applicant on 15th March, 2011 and it states that the grand father of the petitioner was admitted in the school on 02.09.41. The social status of the grand father of the petitioner is referred to as Hindu Thakur. Then there is also copy of school leaving certificate issued in favour of the grand father of the petitioner Vitthal Govind Thakur.

5. There is also copy of validity certificate issued in favour of Liladhar Punju Thakur. At Exhibit-F copy of family tree is placed on record. Liladhar Punju Thakur is the cousin of father of petitioner Ravindra Vitthal Thakur. In response to the local inquiry conducted at the instance of authority before the Sub Divisional Officer, Chopda Division, father of petitioner replied various

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queries.

6. In spite of all these material, respondent No.2 in the order dated 30th November, 2018 stated that the petitioner failed to produce any document prior to 06.09.1950 to show that the petitioner is belonging to Thakur community. When there was a material in the form of school leaving certificate of the year 1941 which also finds reference in the order itself, the observation of the competent authority that the petitioner failed to produce any material prior to 06.09.1950 is clearly unsustainable. There is also nothing in the order to discard other material produced before the authority in the form of copies of the school leaving certificates of father of petitioner, grand father of petitioner and validity certificate issued in favour of the uncle of the petitioner.

7. Thus, we find considerable merit in the submission of the learned Counsel that the rejection order passed by respondent No.2 is

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nothing but a mechanical approach of the authority and as such, is clearly unsustainable.

8. Learned A.G.P. made an attempt to support the order impugned in the petition.

9. We are of the clear opinion that for the reasons stated above, the order dated 30th November, 2018 is clearly unsustainable and this is only a mechanical appreciation of the material by the authority without considering the documents placed before the authority in its proper perspective.

10. Resultantly, we allow the petition partly. The order impugned dated 30th November, 2018 is quashed and set aside. Respondent No. 2 is directed to pass the order afresh on the application submitted by the petitioner as expeditiously as possible and not later than eight (8) weeks from the date of this order and the order must be a speaking order. We expect the reflection

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of the assessment of the material by the authority
in the order.

11. With these directions, the petition is
disposed of.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

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