

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

WRIT PETITION NO.438 OF 2019

**SANJIVANI RAMESH BODKE THROUGH FATHER RAMESH DATTA BODKE AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.S.M. Vibhute, Advocate for the petitioners.
Mr.S.S. Dande, AGP for respondent/State.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.
DATED : 15.01.2019**

P.C. :-

1. Heard Mr. S.M.Vibhute, learned Counsel for the petitioners. Petitioner Nos.1 to 4 are minors and prosecuting their studies in various courses and are under the natural guardianship of petitioner No.5-Ramesh Datta Bodke. All these petitioners have applied for caste certificate to the competent authority, namely, the Sub-Divisional Officer, Bhokar i.e. respondent No.3, sometime in the year 2017 for grant of certificate that these petitioners belong to "Koli Mahadev" - Scheduled Tribe. It is submission of learned Counsel that inspite of sufficient evidence the authority

rejected the application by order dated 08.06.2018. Being aggrieved by the said order, the appellants preferred appeals before the Competent Authority, namely, the Scheduled Tribe Certificate Verification Committee, Aurangabad under the provisions of Scheduled Castes and Scheduled Tribes Act of 2000, more particularly, under section 5 of the Act. These appeals are filed on 18.07.2018. Learned Counsel then submitted that till date of filing of the petition, the appeals are not decided nor they are decided till date. Learned Counsel submitted that petitioner Nos.1 to 4 are prosecuting their studies and petitioner No.1 is studying in 12th class, as such, she is desirous of seeking admission to certain professional course after completing her 12th standard course and for seeking the benefit for contesting her claim along with other reserved category candidates, petitioner No.1 would be in need of certificate issued by the Committee, if the appeals are allowed. The submission is that the delay in decision may put the petitioners to a serious prejudice. As such, the respondents, more particularly, respondent No.2 – Committee be directed to decide the appeals presented by these petitioners expeditiously.

2. Considering the submissions of the Counsel and considering above referred grievance, the petition is disposed of at the admission stage by issuing directions to respondent No.2 – Committee to decide the appeal of the petitioners as early as possible and decide statutory appeals filed by the petitioners challenging the order of respondent No.3-Sub-Divisional Officer, Bhokar dated 08.06.2018, within eight weeks from the date of order of this Court. The petition is accordingly disposed of in terms of above directions.

3. Learned Counsel for the petitioners submits that the petitioners undertake to appear before the Committee on 24.01.2019 and the Committee on appearance of the petitioners may grant suitable date for hearing the parties.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]