

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

947 WRIT PETITION NO.1749 OF 2019

**CHAYA VITHALRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Sunil M. Vibhute
AGP for Respondent : Mr. S. S. Dande
...

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

DATE : 7th February, 2019

ORAL ORDER :

1. Heard the learned counsel Mr. Vibhute for the petitioner.
2. As time and again, we have dealt with the issue which is involved in the present petition, the petition is taken up for disposal at the stage of admission.
3. The petitioner, who is working as Peon in the services of Respondent 4 – Zilla Parishad, Beed, in the Respondent No. 5 – School. The petitioner is possessing a Caste Certificate, issued by the Executive Magistrate dated 17.03.1989. Copy of the same is placed on record at Exhibit-A. Learned counsel submitted/invited our attention to the application along with copy of the certificate issued in favour of the petitioner dated 17.03.1989 as well as copy of the government/circular

resolution dated 22.06.2016.

4. The Caste Certificate was referred to the Competent Scrutiny Committee i.e. Respondent No. 2 for verification/validation. Learned counsel Mr. Vibhute submitted that on a hyper mechanical and technical appreciation, the committee rejected the claim for validation and permit the petitioner to submit a fresh claim on the fresh certificate issued by the Competent Authority. Learned counsel submitted that though there is specific reference in the Caste Certificate to the social status of the petitioner as “Mahadev Koli”, the committee by observing that the list refers to “Koli Mahadev, Dongar Koli” as such there is a change and the committee is not possessing the powers to accept the claim and validate the claim. Learned counsel also invited our attention to the Government Circular dated 22.06.2016 to submit that the State Government itself considering these matters directed all the competent authorities to issue a Caste Certificate in accordance with the Rules of 2003 in the prescribed form. The petitioner in view of the circular immediately approached the Sub-Divisional Officer, Mazalgaon for issuance of fresh certificate along with the earlier certificate issued to the petitioner and requested the authority to issue fresh certificate expeditiously. The copy of the application is placed on record. There is also an endorsement of the office of receiving the application on 05.12.2018.

5. Learned counsel then submitted that the petitioner is faced with notice dated 02.11.2018, whereby, the petitioner is directed to submit the validity certificate and failure would lead to stoppage of salary. The learned counsel then relied on the judgment of this Court in the matter of *Prakash s/o Subhash Bhople Vs. Deputy Collector (General), Latur*, reported in *2015 (4) Mh.L.J, page 890*.

6. Learned counsel Mr. Vibhute made out the case for the petitioner. The petition is allowed in terms of prayer clause (B).

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)