

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 3617 OF 2019

Dipesh s/o Dilip Suryawanshi

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. S.C. Yeramwar, advocate for petitioner.
Mrs. D.S. Jape, AGP for respondents.

**CORAM : PRASANNA B. VARALE AND
NITIN W. SAMBRE, JJ.
DATE : 20th March, 2019.**

P.C. :

Heard learned counsel for the petitioner.

2. Order passed by the Sub-Divisional Officer, Bhusawal, dated 29.12.2018 is challenged in the present petition.

3. The documents placed on record only prompt us to state that in spite of Government Resolution dated 22.06.2016 and numerous orders passed by this Court on identical issue, the authorities are happy in adopting a mechanical approaching giving a total go-bye to the Government Resolution and the orders passed by this Court.

4. The facts in the writ petition are summarised as follows :

Petitioner was appointed in Indian Oil Corporation Limited. The order of appointment is placed on record at Exh. B. The claim

of the petitioner was forwarded to the Scrutiny Committee for verification. It was informed by the Committee that the petitioner is to bring recommendation letter of the employer and present before the Committee and to submit caste certificate in Form-C. The Committee also permitted the petitioner to approach the competent authority for receiving caste certificate in Form-C. The recommendation letter issued by the employer of the petitioner is placed on record to submit that petitioner is in the establishment of Indian Oil Corporation Limited at its plant.

Petitioner by adopting online process, submitted application to the Sub-Divisional Officer, Bhusawal for issuance of the certificate. As per the procedure, requirement is to annex copies of the documents. Petitioner alongwith the application, submitted all the necessary documents. On going through the website, petitioner found remark against the status of his application as 'no substantial proof submitted to the authority'. Petitioner submitted that copies of all the necessary documents are presented before the authority. Petitioner also made a request to take appropriate steps immediately as he has apprehension of serious threat to his service for non-submission of caste certificate.

5. Perusal of Government Resolution dated 22.06.2016 clearly shows that even the State Government with a loudable object to cut-short the period of issuance of certificate, has directed the competent authority to process the claim for issuance of caste certificate in Form-C, expeditiously. By this Government Resolution, the claimants are duty bound to surrender their earlier certificate. Petitioner is also ready and willing to surrender his

earlier certificate alongwith the necessary documents. Interestingly enough, the Sub-Divisional Officer, Bhusawal passed an order with observation that the petitioner has failed to submit earlier certificate. The Sub-Divisional Officer further observes that copy of the earlier certificate issued by the Sub-Divisional Officer is annexed alongwith the application. The Sub-Divisional Officer then proceeds in the order as if the Sub-Divisional Officer is assessing the material for issuance of fresh caste certificate.

6. Government Resolution dated 22.06.2016 in clear terms directs the competent authority to issue appropriate certificate in Form-C after deposit of earlier caste certificate. It is nowhere indicated in the Government Resolution that for issuance of such caste certificate in Form-C, the competent authority is required to undertake the exercise of re-appreciation of material, which is required at the time of issuing fresh caste certificate. Learned counsel for petitioner was also justified in placing reliance on order passed by this Court in Writ Petition No. 2911/2019 dated 05.03.2019.

7. As such, we have no hesitation in observing that the order passed by the Sub-Divisional Officer, Bhusawal, dated 19.12.2018 is unsustainable and needs to be quashed and set aside. Accordingly, the petition is allowed in terms of prayer clause 'B'.

8. Because of unreasonable and arbitrary approach of officers like respondent, who are authorised to issue caste certificate in Form-C against the earlier caste certificate, this Court is flooded with petitions like the present one. We hope and trust that atleast

hereinafter, the authorities would follow a reasonable approach so as to prevent filing of petitions raising the similar grievance again and again.

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

NITIN W. SAMBRE

JUDGE

PRASANNA B. VARALE

JUDGE

dyb