

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

WRIT PETITION NO.6616 OF 2017

**AJINATH DAGDU BAHULE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Sushant Yeramwar h/f. Mr. Sarang Joshi, Advocate for the petitioner.
Mr.A.V. Deshmukh, AGP for respondent/State.
Mr.Manoj Dond h/f. Mr.C.K.Shinde, Advocate for respondent No.4.

**CORAM : SUNIL P.DESHMUKH &
S.M.GAVHANE,JJ.
DATED : 02.07.2019**

P.C. :-

1. Heard learned counsel for the parties. This petition purports to challenge order passed by respondent No.3, where-under claim of the petitioner for validity of caste certificate bearing No.94/MISC/WS/6533 dated 27.12.1994 has been turned down and has been cancelled and confiscated.
2. The certificate submitted for verification to scrutiny committee has been found by the committee not being issued by the Competent Authority and thus on that ground the same has been declared as invalid.
3. Section 6 (1) 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, reads as under :-

“ 6.Verification of Caste Certificate by Scrutiny Committee :- (1) The Government shall constitute by notification in the Official Gazette, one or more Scrutiny Committee(s) for verification of Caste Certificates issued by the Competent

Authorities under sub-section (1) of section 4 specifying in the said notification the functions and the area of jurisdiction of each of such Scrutiny Committee or Committees.”

And Section 4(1) of the enactment reads thus :-

“ 4. Caste Certificate to be issued by Competent Authority :- (1) The Competent Authority may, on an application made to it under section 3, after satisfying itself about the genuineness of the claim and following the procedure as prescribed, issue a Caste Certificate within such time limit and in such form as may be prescribed or reject the application for reasons to be recorded in writing. ”

4. Learned counsel for the petitioner tried to dwell on that reason for rejection of certificate would not be said to be a sound consideration for invalidating the certificate, referring decision in the case of *Vasant Pandurang Narwade @ Narvde Vs. Subhash*, reported in 2001 DGLS(SC) 888 : 2001(10) JT 125. Said decision appears to be in respect of a claim before the enforcement of aforesaid enactment. It appears that said decision would be of little assistance to the petitioner to carry forward his claim.

5. Though learned counsel argued at length, he could not substantiate his claim about certificate can be said to have been issued by the competent authority.

6. On the other hand, the authority appears to have communicated to the committee that certificate submitted for verification before the committee had never been issued by the office of said authority.

7. It appears that the committee had observed that it was open to the petitioner to have proper certificate from competent authority.

8. In view of aforesaid, it is difficult to accede to request made under this writ petition. Writ petition, therefore, is not entertained and is rejected.

9. This rejection, however, shall not undermine verification of caste certificate issued by competent authority in favour of the petitioner, which learned counsel for the petitioner on instructions states that has already been received by the petitioner and its validity would be sought.

10. Writ petition is accordingly disposed of.

[S.M.GAVHANE,J.]

[SUNIL P.DESHMUKH,J.]