

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

16 WRIT PETITION NO.9767 OF 2019

**SHRADDHA NANDKISHOR CHAVAN AND ANOTHER THROUGH
FATHER NANDKISHOR BAPURAO CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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**Advocate for Petitioners : Mr. Yeramwar Sushant C.
AGP for Respondent : Mr. P.S. Patil**

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**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 06/08/2019

PER COURT :

1. In normal course, we would not have entertained the writ petitions and would have relegated the petitioner to the remedy of appeal before the committee. Considering the urgency shown by the petitioners that the petitioners require caste certificate to be submitted on or before 14.08.2019, we have considered the petition.

2. The learned counsel submits that the father of the petitioners, the grandfather of the petitioners and the real sister of the petitioners are issued with the caste certificate of 'Thakur' scheduled tribe. All these documents were also produced before the S.D.O. The said documents are not considered. He submits that even the school record of the grandfather of the petitioners is of the year 1954, recording caste as Thakur.

3. We have heard learned A.G.P for respondents.
4. At the time of issuance of cast certificate, the authority has to be *prima facie* satisfied. It appears from the documents filed by the petitioners that the father of the petitioners, grandfather and real sister of the petitioners have been issued with the caste certificate of 'Thakur' scheduled tribe. The school record of the grandfather of the petitioners is of the year 1954, it records caste as Thakur. Even otherwise, the caste certificate will have to undergo strict scrutiny by the committee at the time of validity proceeding.

5. In light of the above, we pass the following orders:

ORDER

- i. The impugned order is quashed and set aside.
 - ii. The respondent No. 2 shall issue caste certificate to the petitioners of 'Thakur' scheduled tribe within 3 days.
6. Writ petition is disposed of.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)