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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST PETITION NO.223 OF 2013

Subhash R. Acharekar	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr.Amol P. Mhatre for the Petitioner.

Mr.M.M. Pabale, A.G.P. for the State – Respondent Nos.1, 3 and 4.

CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.
DATE : 2ND MAY, 2019.

P.C. :-

1. Issue raised in the public interest litigation relates to the procedure to be followed to issue S.C., S.T., B.C. and Special B.C. certificates.
2. The issue arises on account of the fact that post partition, migration took place and the Presidential Orders pertaining to the S.Cs. and S.Ts. were notified on 10th August, 1950 and 21st November, 1961 respectively. Pertaining to Nomadic Tribes, the Presidential Order is dated 13th October, 1967.
3. Caste of a person has to be considered with reference to the date of the said notifications and those who apply today would

have their claim being determined with reference to their forefathers. The problem results on account of migration. The applicant whose forefathers were, say for example residents of State of Uttar Pradesh, submits the application to the Sub-Divisional Officer in Maharashtra. The Sub-Divisional Officer, Maharashtra has no record with him. He forwards the application to the authorities where the ancestral of the applicant resided.

4. On 1st April, 2016, the State Government has issued an Office Order constituting a Committee to look into this issue.

5. Counsel for the petitioner seeks leave to withdraw this public interest litigation wanting it to be recorded that the petitioner's representation be permitted to be placed before the Committee constituted with a direction that the Committee would look into the representation and the documents filed by the petitioner while taking a decision on the subject.

6. Granting liberty as prayed for, the public interest litigation is disposed of as not pressed.

(N.M. JAMDAR, J.)

(CHIEF JUSTICE)