

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
9 WRIT PETITION NO.1658 OF 2020**

MANISH MAHADEO AHIR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER..RESPONDENTS

...

Mr. Sushant C. Yeramwar, Advocate for the  
Petitioner.

Mrs. G. L. Deshpande, AGP for Respondents-State.

...  
**CORAM : S. V. GANGAPURWALA &  
SHRIKANT D. KULKARNI, JJ.  
DATED : 27<sup>th</sup> JANUARY, 2020.**

**PER COURT:-**

1. The caste certificate of the petitioner is confiscated on the ground that the same is not issued by the competent authority. The father of the petitioner and his ancestors were originally resident of village Pahurjira, Tq. Shegaon, Dist. Buldhana as on 06.09.1950. According to the Committee, the petitioner ought to have got his caste certificate from the competent authority at Shegaon. However, the petitioner has secured the caste certificate from S.D.O. Bhusawal. The petitioner claims that the petitioner and his father are residing at Bhusawal since long time.

2. Rule 5(2) (b) 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 Rules reads thus:

"The Competent Authority shall issue Scheduled Tribe Certificate in Form C to an Applicant of other district from which he had migrated to the present place, on the production of the Scheduled Tribe Certificate issued to his father or grandfather or grandfather's origin at the time of possessing of first Presidential Order dated 6<sup>th</sup> September 1950 or thereafter, for Scheduled Tribes."

3. If the competent authority has already issued caste certificate to the father or grandfather of the candidate, then the place at which the petitioner has migrated, the competent authority of that place is entitled and empowered to issue caste certificate. Rule 5(2) has been misconstrued by the Committee.

4. In light of that, the impugned order is quashed and set aside. The parties are relegated before the Committee. The petitioner shall appear before the Committee on 13.02.2020. The Committee shall decide the validation proceeding on its own merits and shall not reject it on the ground that the certificate is not issued by the competent authority. The Committee shall endeavour to decide it expeditiously and preferably within a period of four (04) months from the date of appearance of the petitioner before the Committee.

5. Writ Petition accordingly allowed. No costs.

**(SHRIKANT D. KULKARNI)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**