

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4165 OF 2019

Chandrakant Shankarrao Chakrawar ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr N.P. Jamalpurkar, Advocate for Petitioner
Mr S.B. Narwade, AGP for Respondents-State

**CORAM : S.V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 30th JANUARY, 2020

PER COURT :

1. Mr Jamalpurkar Patil, learned Counsel for the petitioner submits that the petitioner was issued with the caste certificate of "Vaishya-190" (Other Backward Class). The proposal was submitted for verification of the said caste certificate. The Committee has disposed of the proceeding on the ground that the petitioner has not produced on record the evidence. Moreover, on 17.10.2016, the Committee observed that the caste "Vaishya-190" does not find place in the other backward class notified by the State of Maharashtra.

2. If a particular caste is not notified by the State Government, then certainly, the petitioner cannot claim benefit nor that certificate can be verified.

3. Mr Jamalpurkar Patil, the learned Counsel for the petitioner relies on the circular dated 20th June, 2008 to contend that if a candidate produces the evidence of Vaishya, Wani, Vaishya-Wani, then the same can be considered as Vaishya-Wani and the validity certificate can be issued of Vaishya-Wani.

4. In light of the above, we pass the following order :-

(i) The order of the Committee stands modified.

(ii) The petitioner may apply to the concerned Sub Divisional Officer for issuance of the caste certificate of Vaishya-Wani. The petitioner shall produce the evidence on record. The Sub Divisional Officer shall consider the circular dated 20th June, 2008 and pass the order on the application of the petitioner on its own merits within a period of two months from the date of the application.

(iii) If the caste certificate is issued, the petitioner may present the same with the proposal for verification with the Scrutiny Committee. In that event, the impugned order would not be impediment.

5. The writ petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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