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

WRIT PETITION NO. 8758 OF 2012

Vishvanath Jaipal Badge …. Petitioner

Versus

The State of Maharashtra & Ors. …. Respondents

.....

Shri. Ravindra B. Ade, Advocate for the petitioner
Shri. G. O. Wattamwar, AGP for respondent/State

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**CORAM : SUNIL P. DESHMUKH
AND
B. U. DEBADWAR, JJ.**

DATE : 27TH JANUARY, 2020

PER COURT:-

. Heard learned counsel for appearing parties.

2. The petition is preferred against negation of application for issuing caste certificate to petitioner of him belonging to Koli Mahadeo, a scheduled tribe, initially by Sub-Divisional Officer, under his order dated 27-03-2011 and subsequently in appeal by scrutiny committee under order dated 09/12-03-2012.

3. The first order indicates that the application does not fulfill requirements of rules 3(3) and 3(4) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Caste (Issuance and Verification of) Rules, 2003.

4. Perusal of order impugned dated 9/12-03-2012 passed by the scrutiny committee particularly reasons as have been referred to under clauses 'K' and 'D', depict that the proceedings were conducted as if it has been deciding validity of a certificate issued to the petitioner while there is none and the appeal had been preferred against rejection of application for issuing certificate.

5. Petitioner claims that the requisite documents were not submitted along with the application initially filed before the Sub-Divisional Officer. He submits that, now documents are available and he would file an appropriate application to the competent authority, however, apprehends that orders in negation would pose impediment.

6. Having regard to aforesaid, so far as the issuance of certificate is concerned, documents indicating his tribe claim may be

submitted afresh along with a proper application and the same may be processed.

7. Learned counsel for the petitioner also points out that the order dated 17.03.2010 in Writ Petition No. 2183 of 2010, comes to petitioner's aid. We consider it appropriate that, if necessary, the authority may also hear the petitioner.

8. In the circumstances, it would be expedient that impugned orders would be set aside. Order dated 27-03-2011 passed by Sub-Divisional Officer and order dated 09/12-03-2012 passed by Scrutiny Committee in appeal are accordingly set aside with liberty to the petitioner to file an appropriate application to be decided by the competent authority.

9. With aforesaid, writ petition is disposed of.

[B. U. DEBADWAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

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