

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE**

WRIT PETITION NO.12384 OF 2019

Rajeshwari Sudhir Thakur

... Petitioner

Vs

State of Maharashtra

through its Secretary, Medical Education and

Trust Department, Mantralaya, Mumbai & others

... Respondents

Mr.R.K. Mendadkar for the Petitioner

Ms.Reena A.Solunkhe, AGP, for Respondent – State

**CORAM: S.C. DHARMADHIKARI &
R.I. CHAGLA, JJ.**

DATED: JANUARY 6, 2020

P.C.:

1. Heard Mr.Mendadkar, appearing on behalf of the petitioner.

Perused the impugned order.

2. On the previous occasion, we had called for the original records because the complaint of Mr.Mendadkar is that the claim of the petitioner has been refused or rejected not only on the ground of jurisdiction but also on merits.

3. On perusal of the original record as also the impugned order, this indeed appears to be the position. However, the petitioner cannot dispute the fact that she and her family had been residents of village Talegaon Paturda, Taluka Telhara, District Akola but the caste certificate has been issued by Sub-Divisional Officer, Jalgaon Division, Jalgaon, District Jalgaon on 18.5.2004. Their residence was shown as Jalgaon district. However, the Committee has recorded a finding of fact that the petitioner's ordinary place of residence is not Jalgaon district in the State of Maharashtra but another district, namely, Akola.

4. Mr.Mendadkar concedes that in the light of the Full Bench decision of this Court in the case of **Rajendra Shivram Thakur vs. State of Maharashtra & Others**¹, the Jalgaon Sub-Divisional Officer was indeed not competent to issue caste certificate in favour of the petitioner. The petitioner must approach the Sub-Divisional Officer in Akola district and apply for issuance of caste certificate afresh. Such a concession from the Counsel for the petitioner makes our job very easy. We reject the petition but clarify that should the petitioner obtain the caste/tribe certificate from the competent authority, namely, Sub-Divisional Officer in the district

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Akola, then, while relying on the same to seek benefit and concession or relaxation for Thakur Scheduled Tribe, the petitioner may justify the claim and prove or establish that he indeed belongs to this Tribe. When the petitioner seeks to rely on the certificate and apply for a caste/tribe validity certificate, then the scrutiny and verification of the petitioner's underlying claim shall be made in accordance with law and uninfluenced by any finding rendered, on the merits, in the impugned order. We clarify that we have not expressed any opinion on the merits insofar as the petitioner's claim is concerned. We have rejected the petition upholding the Committee's order only on the point of jurisdiction. That point is squarely answered against the petitioner by us by relying on the Full Bench judgement of this Court in the case of **Rajendra Shivram Thakur (supra)**.

5. Record & Proceedings be returned forthwith.

(R.I. CHAGLA, J.)

(S.C. DHARMADHIKARI, J.)