

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

976 WRIT PETITION NO.458 OF 2021

AMOL SANJAY SURYAWANSHI
VERSUS
DIRECTOR OF TECHNICAL EDUCATION AND OTHERS

...
Advocate for Petitioner : Mr. Deshmukh Mahesh S.
AGP for Respondents State: Mr. S. G. Karlekar

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 13th January, 2021

ORDER:

1. The proposal seeking validation of the caste claim of the petitioner is rejected basically on technical ground that the caste certificate of the petitioner is not obtained from the Competent Authority. The caste certificate is obtained from the Sub Divisional Officer, Amalner, whereas the permanent place of residence of the petitioner is Rawalgaon, Tq. Malegaon, District Nashik.

2. Mr. Deshmukh, the learned counsel points out that even vigilance has concluded that original place of residence of the petitioner is Shindi Tq. Bhadgaon, District Jalgaon. The learned counsel submits that only because some documents show that schooling of the ancestors of the petitioner was done at Rawalgaon Tq. Malegaon District Nashik, the same would not tantamount to permanent place of residence. Vigilance enquiry concludes that permanent place of residence of the petitioner is Shindi Tq. Bhadgaon, District Jalgaon. It has further concluded that grandfather of the petitioner, for work, has left that original place of residence -Shindi Tq. Bhadgaon. As vigilance has concluded that original place of

residence of ancestors of the petitioner is Shindi Tq. Bhadgaon District Jalgaon and the enquiries were made at that place by Vigilance officer, it would be appropriate for the petitioner to obtain necessary caste certificate from the competent authority having jurisdiction over Shindi Tq. Bhadgaon District Jalgaon. It is further submitted that Sub Divisional Officer, Amalner who had issued Caste certificate did not possess territorial jurisdiction.

3. In light of above, we pass following order:

O R D E R

1. The petitioner may apply to the Sub Divisional Officer/competent authority having jurisdiction to issue caste certificates of the persons residing at Shinde, Taluka Bhadgaon, District Jalgaon.
2. The competent authority shall consider the caste certificate issued by the Sub Divisional Officer, Amalner and on being satisfied with the Caste Certificate issued by the Sub Divisional officer, Amalner, shall issue fresh caste certificate to the petitioner in appropriate form, immediately.
3. The petitioner shall submit the said certificate to the committee immediately.
4. Vigilance is already conducted in the case of the petitioner. As such, if no fresh documents are filed by the petitioner, it would not be necessary to conduct fresh vigilance.

5. It is submitted that the petitioner is exploring the possibility of admission to professional course, and the last date for submitting validity is 16.01.2021. We cannot issue mandatory direction to the Committee to decide the matter within a short span of time. However, if it is possible for the committee, the committee may endeavour to decide the proceeding by 16.01.2021.
6. Parties to act on authenticated copy.
7. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC