

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

WRIT PETITION NO. 769 OF 2021

Girish Ganesh Thakur

... Petitioner.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. R.K. Mendadkar, Advocate h/f Mr. Anandsingh Baya, Advocate
for the Petitioner.

Mr. P.S. Patil, Addl. G.P. for Respondent Nos. 1 and 2.

Mr. M.D. Narwadkar, Advocate for Respondent No.3.

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

DATE : 19th JANUARY, 2021

PER COURT:-

1. The case claim of the petitioner as “Thakur” Scheduled Tribe is invalidated.
2. The tribe claim is invalidated on merits, so also on the technical ground that the authority issuing the caste certificate did not possess the jurisdiction.

3. We have heard the learned counsel for the petitioner and the learned A.G.P. for scrutiny committee.

4. The committee came to the conclusion that the petitioner and his ancestors are original residents of Waghode, Tq. Raver. The petitioner obtained the caste certificate from S.D.O. Bhusawal. The S.D.O. Bhusawal did not possess the jurisdiction.

5. If the committee concluded that the S.D.O. Bhusawal did not possess the jurisdiction to issue the caste certificate, then ought not to have proceeded further to decide the matter on merits.

6. The full Bench of this Court in case of ***Rajendra S/o. Shivram Thakur Vs. State of Maharashtra and others*** reported in ***Mh.L.J. (2019) 4 721***, held that the caste certificate issued by the authority not possessing the territorial jurisdiction is without jurisdiction.

7. The petitioner shall make an application for grant of caste certificate with the competent authority possessing jurisdiction over the person permanent resident of village Waghode, Tq. Raver. The competent authority shall consider the caste certificate issued by the S.D.O. Bhusawal and thereafter issue the caste certificate to the petitioner of “Thakur” Scheduled Tribe. The same shall be done

within a period of two days including the date of application given before him. After receipt of the caste certificate, the petitioner may submit the same to the scrutiny committee. It is submitted that the vigilance is already conducted so it may not be necessary to conduct a fresh vigilance unless the additional documents are produced. If the additional documents are produced, the committee certainly would be entitled to conduct the vigilance afresh vis-a-vis additional documents. The committee shall thereafter endeavour to decide the validation proceedings on or before 25.01.2021, of course the parties cooperating.

8. Considering the fact that at the eleventh hour the scrutiny committee opined that the caste certificate is issued to the petitioner by the authority, not possessing jurisdiction, though the claim of the petitioner pending with the committee since 2019 and the petitioner is already allotted with the college in the first round, by way of exception, we direct that the seat allotted to the petitioner shall not be cancelled till 25.01.2021 upto 04.00 p.m.

9. In case, the petitioner fails to submit the validity certificate before 04.00 p.m. on 25.01.2021, then respondent No.3 is entitled to allot the said seat to the next candidate from Scheduled Tribe

category. We have given the said date because 25.01.2021 is the date for publication of the provisional list of students to be admitted pursuant to the first round and the second round would start from 26.01.2021.

10. We make it clear that taking into consideration the facts and circumstance of the case, we have passed the said order and the said would not be a precedent.

11. The writ petition is disposed of. No costs. All contentions on merits are kept open.

12. Authenticated copy be given.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane