

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3852 OF 2021

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Subhash Ratan Thakur

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. R. K. Mendadkar for the Petitioner.

Mrs. M.S. Bave, AGP, for the Respondent – State.

CORAM : PRASANNA B. VARALE &
N.R. BORKAR, JJ.

DATE : SEPTEMBER 27, 2021.

PER COURT :

1. The Petitioner, by way of the present Petition challenges the order dated 03.09.2021 passed by Respondent No. 2 – Scheduled Tribe Caste Certificate Scrutiny Committee, Nandurkar Division, Nandurbar.

2. Learned Counsel Mr. Mendadkar submitted that Scrutiny Committee refused to adjudicate the caste claim of the Petitioner on the ground that caste certificate is not issued by the competent authority. It is submitted by the learned Counsel for the Petitioner that the native place of the Petitioner is village Thalner, Tq. Shirpur, Dist. Dhule. The committee in the order dated 03.09.2021 thus observed that the competent authority who could have granted certificate was Sub Divisional Magistrate of Tq. Shirpur and not the Executive Magistrate, Dhule. The

committee, thus, in its order granted liberty to the Petitioner to obtain the caste certificate from the competent authority and it was specifically observed that the contentions on merits are kept open.

3. Learned Counsel Mr. Mendadkar then invited our attention to an order passed by this Court dated 18th April, 2018 in Writ Petition No. 3869 of 2015 to submit that the son of Petitioner - Pritesh Subhash Thakur was before this Court challenging the order passed by the Scrutiny Committee. The Division Bench of this Court found that the Scrutiny Committee was not justified in rejecting the claim of the son of the Petitioner and directed the Respondent Committee to issue validity certificate to the son of the Petitioner within stipulated period of 3 weeks from the date of order. Accordingly, the committee had issued the validity certificate in favour of the son of the Petitioner Pritesh Subhash Thakur. The copy of the said certificate is placed on record at Exhibit – G page 49. Learned Counsel for Petitioner further submits that caste validity certificate is also issued in favour of another son of the Petitioner namely, Rohan and the copy of the same is also placed on record at Exhibit - H page 50.

4. Learned Counsel for the Petitioner submits that during the pendency of the Petition by way of amendment the competent authority i.e. Respondent No. 3 – Sub Divisional Officer, Shirpur Sub Division, Dist. Dhule is made party Respondent and the Petitioner incorporated the consequential prayers on the backdrop of the fact that the Petitioner has approached the Sub Divisional Officer,

Shirpur for grant of caste certificate.

5. Perusal of exchange of communication between the Petitioner and the Respondent No. 3 by way of e-mail placed on record at Exhibit H2 shows that the application of the Petitioner bearing ID No. 2149839561284100295302 is pending before Desk 3. In view of these facts, the Counsel for the Petitioner prayed for allowing the Petition in terms of prayer clause (a- 1).

6. In view of the above referred facts, we find considerable merit in the submissions of learned Counsel Mr. Mendadkar for the Petitioner. Accordingly, we dispose of the Petition with direction to Respondent No. 3 – Sub Divisional Officer, Shirpur Sub Division, Dist. Dhule to issue the caste certificate to the Petitioner as expeditiously as possible and not later than two weeks from the date of receipt of order of this Court.

7. Needless to state that on receipt of the caste certificate, Petitioner may approach to the caste scrutiny committee by filing the fresh application, and if such application is made, the committee shall endeavor to decide the said application expeditiously.

8. With these directions, Writ Petition is disposed of.

(N.R. BORKAR, J.)

(PRASANNA B. VARALE, J.)