

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10533 OF 2018

Kum. Minal Bharat Bagul ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

ALONG WITH
WRIT PETITION NO.10534 OF 2018

Kum. Manav Bharat Bagul ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

ALONG WITH
INTERIM APPLICATION NO.3827 OF 2020
IN
WRIT PETITION NO.10534 OF 2018

Manav Bharat Bagul ...Applicant
vs.
The State of Maharashtra & Ors. ...Respondents

Mr. R.K. Mendadkar for the Petitioners/Applicant.

Mr. V.M. Mali, AGP for Respondent Nos.1 to 3.

Mr. Aadesh Sawant for Respondent No.5.

CORAM : S.C. GUPTA AND
SURENDRA P. TAVADE, JJ.

DATE : 12 JANUARY 2021

P.C.:

1. These writ petitions challenge an order passed by the Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Division.

2. At the hearing of the petition, learned AGP, relying upon a judgment delivered by Full Bench of this Court in the case of ***Rajendra S/o Shivram Thakur Vs. State of Maharashtra & Ors.***¹, which lays down that candidate desirous of seeking caste certificate would have to apply to competent authority having jurisdiction over the area or place to which he/she or his/her father or grandfather originally belongs or was/is an ordinary resident or native of that place and that caste certificate issued by any other authority shall be invalid. It is submitted that in the present case, the original residence of the tribe including the Petitioners' family is in village Dabhadi, Tal.Malegaon, District Nashik, and therefore, the Sub-Divisional Officer, Bhusawal Division, Bhusawal, Dist. Jalgaon had no authority to issue such caste certificate.

3. Upon this judgment being pointed out, learned Counsel for the Petitioners seeks leave to withdraw the petitions with liberty to apply to the authorities at Nashik for issuance of a caste certificate for the Petitioners. If and when such applications are made, the authorities shall decide the same in accordance with law and in keeping with the time limit provided in the applicable rules.

4. The writ petitions are disposed of in the above terms.

5. The claim shall be decided on its own merits and uninfluenced by the impugned order passed in this case, which is challenged in the

1 2019 SCC OnLine Bom 1194

present petition.

6. In view of the disposal of the writ petitions, the Interim Application No.3827 of 2020 in Writ Petition No.10534 of 2018 do not survive and the same is disposed of accordingly.

(SURENDRA P. TAVADE, J)

(S.C. GUPTE, J.)