

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1016/2021.

Mangesh Sanjay Kanoje. Petitioner.

-VERSUS-

1.Scheduled Tribe Caste Scrutiny
Committee, Amravati and another. Respondents.

.....
Shri S.D. Khati, Advocate for the Petitioner.
Ms. K. Deshpande, Assistant Government Pleader for Respondents.
.....

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATE : 22 FEBRUARY 2021.

P.C.

Heard the learned Counsel for the Parties.

2. This Writ Petition is filed by the Petitioner making a grievance that the Respondent No.2 Sub Divisional Officer, Yavatmal has rejected the application for grant of caste certificate to the Petitioner and no reasons therefor are assigned.

3. What is shown to us is a screen shot of a portal maintained by the MahaOnline Limited, wherein a remark is placed that the

Petitioner should produce Court order. Based on this remark, the petition is filed stating that the application for caste certificate is rejected.

4. Rule 5 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificates Rules, 2012 provides for an elaborate procedure to be followed by the Competent Authority. If the Authority is not satisfied and the application for caste certificate is to be rejected, the methodology under Rule 5[12] has to be followed. Rule 5[12] reads as under :

“5(12) After considering the evidence produced by the applicant or any other person on his behalf, and the statement of the applicant and after taking into account the material gathered by the Competent Authority, if the Competent Authority is not satisfied about the genuineness of the claim he may reject the claim of caste certificate of the applicant by stating reasons in his order. The Competent Authority shall give a copy of the order, free of cost, immediately after passing of the order, to the applicant and obtain an acknowledgment thereof. The Competent Authority shall specifically state, below the operative part of the order that the applicant has a right to appeal and shall also mention about the Appellate Authority and the period of limitation for appeal.”

Therefore, there has to be an order stating reasons. The Competent

3

Authority has to pass an order and after passing of the order take an acknowledgment from the applicant. Below the operative part of the order it has to be mentioned that the Applicant has a right to file an appeal and the limitation for filing the appeal.

5. Therefore, the screen shot from the portal maintained, obviously does not fulfill the requirement of Rule 5[12] of the 2012 Rules, and therefore, it cannot be considered as a rejection of the Petitioner's application for caste certificate. That being the position, the application of the Petitioner which is still pending will have to be decided by the Respondent No.2 as per law.

6. With this clarification, the Writ Petition is disposed of.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Rgd

**Rakesh
Dhuriya**

Digitally signed
by Rakesh
Dhuriya
Date: 2021.02.25
10:33:04 +0530