

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.385 OF 2021

Dilip s/o Nanayya Samudralwar ... Petitioner

- Versus -

The State of Maharashtra and others ... Respondents

Shri P.J. Mehta, Advocate for Petitioner.

Smt. K.S. Joshi, I/c Government Pleader for Respondents.

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

DATE : 3 MARCH 2021

P.C. :

Leave to correct description of the Respondent No.2 in the cause title of the petition is granted. Amendment to be carried out forthwith.

2) The Petitioner has sought a direction to the Respondents to issue him a caste certificate as belonging to "Mahar" (Scheduled Caste).

3) Shri Mehta, learned Counsel for the Petitioner, submits that the Petitioner has made an application for issuance of caste certificate on 21 March 2012, which is not being decided and, therefore, direction be issued to the Respondents to decide the application.

4) This is not a simple case of a pending application not being decided. The Petitioner had earlier obtained a caste certificate as belonging to “Mahar” (Scheduled Caste) on 9 November 1978, which was invalidated by the Scrutiny Committee by order dated 15 July 2005. The Petitioner had claimed the caste “Mahar” of his mother and the Scrutiny Committee relying on the decision dated 7 May 1999 of the State Government had rejected the claim of the Petitioner holding that the Petitioner should have claimed caste of his father, who belonged to Komti community. This order was challenged by the Petitioner by way of a writ petition in this Court, which was dismissed on 1 February 2006 and the special leave petition was dismissed on 28 April 2006 with reasons. Therefore, the claim of the Petitioner on this count as far as he is concerned, came to an end. The Petitioner is now seeking a caste certificate in view of the decision of the Apex Court in the case of *Rameshbhai Dabhai Naika vs. State of Gujarat and others*¹.

1 (2012) 3 SCC 400

5) Since the Petitioner has made an application for caste certificate, it will have to be decided either in positive or negative manner on the premise that an application needs to be taken to the logical end. Since the application is pending since 2012, the Respondents shall make an endeavour to decide the application within a period of six months. We make it clear that we have not commented on the merits of the Petitioner's claim and whether Petitioner is entitled to the caste certificate in spite of the order passed by the Apex Court. All that we direct that the pending application be taken to its logical end. It is open to the Respondent Authorities to deal with the same as per law. Writ Petition is accordingly disposed of.

(ANIL S. KILOR, J.)

(NITIN JAMDAR, J.)

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Kamal
Jeswani

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