

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

22 WRIT PETITION NO.10646 OF 2016

ANIRUDDHA RAJU PAWAR
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Advocate for the petitioner : Mr.A.S.Golegaonkar
AGP for Respondent-State : Mr.A.S.Shinde
...

**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 03.01.2022

P.C. :

1] The proposal for verification of the caste claim of the petitioner was referred to the Committee. The Scrutiny Committee under order dated 19.05.2016 disposed of the proceedings on the ground that the caste certificate is not issued by the Competent Authority and the caste certificate is cancelled with liberty to the petitioner to obtain caste certificate from the Competent Authority.

2] Mr.Golegaonkar, learned Advocate for the petitioner submits that father and grand-father of the petitioner have been issued with the caste certificates by the Executive Magistrate at Aurangabad. The sister of the petitioner was issued with the caste certificate by the

Executive Magistrate at Aurangabad and her claim is validated by the Committee. Same is the case of the paternal aunt of the petitioner. According to the learned Advocate of the petitioner, the case of the petitioner would be covered under Rule 5 [2] [b] of the Maharashtra Scheduled Tribes [Regulation of Issuance and Verification] Caste Certificate Rules, 2003.

3] Mr.Shinde, learned AGP submits that the Committee has rightly arrived at a conclusion that the caste certificate is not issued by the Competent Authority. Learned AGP relies on the judgment of Full Bench of this Court in the case of **Rajendra Shivram Thakur Vs. State of Maharashtra & others** reported in 2019 [4] Mh.L.J. 721.

4] Rule 5 [2] [b] of the Rules of 2003 would apply if the father and grand-father would have been issued caste certificates by the Competent Authority of the District of original abode and the petitioner obtains the caste certificate from the place of migration. In the present case, the tribe certificates were issued to the father and grand-father of the petitioner by the Executive Magistrate at Aurangabad. The proposal of the petitioner itself states that the petitioner and his ancestors are permanent resident of Amburda, Taluka and District Buldhana. In view of that, Rule 5 [2] [b] of the Rules of 2003 would not apply.

5] In the case of **Rajendra Shivram Thakur** [supra], the Full Bench has observed that the authority where the petitioner's father or grand-father was not permanent resident on the date of presidential order / notification would not have jurisdiction to issue caste certificate.

6] In view of that, the order of Committee cannot be faulted with.

7] The petitioner may apply to the Competent Authority for grant of caste certificate as has been observed by the Scrutiny Committee in the impugned order. The Sub Divisional Officer, Buldhana and / or such competent authority would consider the application of the petitioner and the factum of issuance of the caste certificate to the father, grand father and sister of the petitioner and to take decision upon it preferably within one [1] month from the date of application.

8] Marks memo so also T.C. of the petitioner may not be withheld by the respondents only on the ground of non-submission of the validity.

9] If the petitioner is issued with caste certificate then the petitioner shall submit the same for verification within a period of 15 days thereafter. The Committee shall decide it expeditiously, preferably within a period of four [4] months from the date of submission of the proposal.

10] Writ Petition is disposed of.

11] In view of disposal of the Writ Petition, Civil Application No.13651 of 2021 does not survive and same stands disposed of.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

DDC