

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

55 WRIT PETITION NO.12819 OF 2016

GANESH DATTATRAYA THAKUR

VERSUS

THE STATE OF MAHARASHTRA
THRO PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr K.T. Shirurkar
Addl. G.P. for Respondent Nos. 1 to 3 : Mr P.S. Patil

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, J.J.**

DATE : 17th JANUARY, 2022

PER COURT :

1. We have heard Mr Shirurkar, learned counsel for the petitioner. The proposal for issuance of validity certificate is decided on the ground that the caste certificate produced by the petitioner is issued by Sub Divisional Officer, Aurangabad and the petitioner is not permanent resident of Aurangabad on the notified date.

2. In view of the same, Mr P.S. Patil, learned Additional Government Pleader refers to the Judgment of the Full Bench of this Court reported in case of ***Rajendra Shivram Thakur Vs. The State of Maharashtra and others*** reported in ***2019 (4) Mh.L.J. 721*** and submits that if the caste certificate is issued by the authority not possessing the jurisdiction, the same is invalid.

3. The Committee has already given liberty to the petitioner to obtain caste certificate from the appropriate authority. In view of that, the petitioner may apply for issuance of caste certificate with the competent authority. The petitioner shall obtain the attested copy of the caste certificate submitted by him from the Committee. The Committee shall within eight days of the receipt of the application issue the attested copy of the caste certificate submitted by him. The petitioner shall thereafter apply to the competent authority for issuance of the caste certificate along with the attested copy of the caste certificate issued by the Committee.

4. The concerned Sub Divisional Officer shall decide the said application of the petitioner for issuance of caste certificate preferably within a period two months from the date of application of the petitioner. If the petitioner is issued with the caste certificate, then the proposal be submitted to the Committee. The Committee shall thereafter take a decision on its own merits, expeditiously and preferably within a period of six months from the date of submission of the proposal.

5. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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