

Sonali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11523 OF 2022

Rishika Swapnil Akulwar

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Swaraj Jadhav, for Petitioners.

Mrs. M. P. Thakur, AGP, for Respondent-State.

**CORAM : S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.
DATED : 30TH SEPTEMBER 2022**

ORAL JUDGMENT : (Per S. V. Gangapurwala)

1. Rule. Rule is made returnable forthwith. By consent of the parties, taken up for final hearing.

2. The Petitioner is issued with the Caste Certificate by the SDO, Solapur. The same was submitted for validation before the scrutiny committee. The scrutiny committee opined that at the time of presidential order Petitioner and his forefathers were residents of Degloor, District - Nanded. In view of that it was held that the caste certificate obtained from SDO Solapur is without territorial jurisdiction. The said certificate is confiscated and cancelled.

3. Learned counsel for the Petitioner pointed out the caste certificate of Petitioner's grandfather namely Gangaram Yellappa issued by the Tahsidar, Degloor, who at the relevant time was a competent authority. The father has migrated to Solapur. The Petitioner is also residing at Solapur.

4. Rule 5 (2) (b) 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 Certificate Act, 2000 provides that the Competent Authority shall issue Schedule Tribe Certificate in Form C to an applicant of other district from which he had migrated to the present place, on the production of the Scheduled Tribe Certificate issued to his father or grandfather by the then Competent Authority of the district of his father or grandfather's origin at the time of passing of the first Presidential Order dated 6th September 1950.

5. In the present case, grandfather is already issued with the Tribe Certificate by the competent authority where his grandfather at the relevant time of issuance of the first presidential order was residing. Migration is subsequent. In view of that the caste certificate issued by SDO,

Solapur would be valid.

6. The impugned order dated 3rd August 2022 is quashed and set aside.

7. The Respondent No.2-Committee shall decide the validation proceeding in respect of the caste claim of the Petitioner on its own merits.

8. It is submitted that Petitioner is exploring the possibility of admission to the professional course. The admission process would commence shortly.

9. The Petitioner shall appear before the committee on 4th October 2022. The matter was pending before the committee since 2019. In case vigilance is not conducted, the same shall be conducted as expeditiously as possible and the proceedings be decided within one month from the date of appearance of the Petitioner.

10. Rule is made absolute accordingly.

11. The Writ Petition is disposed of. No costs.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)