

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

WRIT PETITION NO. 10181 OF 2022

Madhav Popat Sonawane

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. Sushant Yeramwar for the Petitioner.

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

CORAM : S.V. GANGAPURWALA &

R.N. LADDHA, J.J.

DATED : 5th SEPTEMBER 2022

P.C. :-

1. Heard.

2. The learned counsel for the petitioner submits that the Scrutiny Committee refused to consider the validation proceedings before it only on the ground that the Caste Certificate produced by the petitioner was not in proper Form 'C'. The learned counsel submits that the certificate issued to the Petitioner is of the year 1979. On the said date, the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 were not in force. It is only under Rules 2003, separate forms are provided. The learned counsel refers to the judgment of the Division Bench of this Court dated 05.02.2021 in Writ Petition (St.) No.5836 of 2020 and other judgments.

3. The caste certificate of the Petitioner dated 11.07.1979 was referred to the Scrutiny Committee for validation. The Scrutiny Committee disposed of the proceedings only on the ground that the Caste Certificate is not in proper Form 'C' and as directed, petitioner obtained certificate in proper Form 'C'.

4. It is not disputed that in 1979, power to issue Caste Certificate was bestowed with the Executive Magistrate and under Rules 2003, the same is with the Sub Divisional Officer. In the year 1979, forms were also not provided for issuance of caste certificate. Division Bench of this Court under Order dated 05.02.2021 in Writ Petition (St.) has considered the said aspect and directed the Committee to process the proceedings on the basis of caste certificate produced by the petitioner.

5. In the light of the above, impugned order is quashed and set aside. Parties are relegated to the Committee. Committee shall decide the proceedings on the basis of the caste certificate produced by the Petitioner on its own merits after following proper procedure expeditiously preferably within 6 months.

6. Writ Petition accordingly disposed of. No costs.

(R.N.LADDHA, J.)

(S.V. GANGAPURWALA, J.)