

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR, NAGPUR.

...

WRIT PETITION NO. 1888/2021

* Gajanan s/o Sheshrao Pete **..Petitioner**

versus

1) The State of Maharashtra and another **..Respondents**

.....
Mr.M.V.Thorat, Advocate for petitioner

Mr. K.L.Dharmadhikari, AGP for Respondents 1 and 2
.....

CORAM: ROHIT B.DEO &
ANIL L.PANSARE, JJ.

DATED : 12th August, 2022.

P.C. :

Heard learned counsel for the respective parties.

2. The petitioner is aggrieved by the order dated 20.01.2021 passed by the Respondent No.2 Sub-Divisional Officer, Akot refusing to issue caste certificate in favour of the petitioner as belonging to 'Koli Mahadev' Scheduled Tribe. According to the petitioner, the caste certificate as belonging to 'Koli Mahadev' was issued in his favour by the then Tahsildar & Executive Magistrate, Akot on 27th June 1987. Thereafter he made a request for issuing caste certificate in Form "C" in terms of the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes IVJ), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of Caste)Certificate Act, 2000. The Respondent No.2-SDO instead of

issuing certificate in form "C" has refused to issue the same, on the ground that the documents furnished by the petitioner do not support the tribe claim of the petitioner.

3. It is not in dispute that the claim of the petitioner is pending before the Scrutiny Committee at Amravati.

4. The learned AGP contends that in terms of Government Resolution, the petitioner was required to obtain caste certificate in form "C". In view thereof the SDO-respondent no.2 was fully justified in following the procedure as provided in Rule 5 of the Maharashtra Scheduled Castes, Denotified Tribes (VJ) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012. He further submits that if at all the petitioner is aggrieved by the impugned order, he has a remedy of an appeal under Rule 7 of the Rules, before the Scrutiny Committee.

5. Since we have noticed that the caste claim is pending before the Scrutiny Committee, it will be appropriate for the petitioner to approach the Committee at Amravati with his grievance that the SDO ought to have issued caste certificate in lieu of the earlier caste certificate issued in favour of the petitioner. We, therefore, direct that the Committee shall consider the caste claim of the petitioner as based on his earlier certificate. The Committee shall also examine whether it was permissible for the

Respondent No.2 -SDO to scrutinize/examine the caste claim of the petitioner in terms of Rule 5 of Rules, 2012.

6. With the above observations and keeping all the contentions raised in the petition open, we dispose of this petition. No costs.

[ANIL L.PANSARE, J.]

[ROHIT B. DEO, J.]

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