

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

Writ Petition No.8004/2019

Ku. Divya Vinod Kosle,
Age about 27 years, Occ.-Student,
R/o.-New Ambika Nagar, Mardi Road, Amravati,
Tq. and Dist. Amravati.

..... Petitioner.

- Versus -

1. State of Maharashtra,
Through Principal Secretary, Social Welfare Department,
Mantralaya, Mumbai.
2. District Caste Certificate Scrutiny Committee, Nanded,
through its Secretary, Office at Dr. Babasaheb Ambedkar
Social Justice Bhawan, near Gnyanmata School, Namaskar
Square, Nanded, Tq. and Dist. Nanded.
3. District Caste Certificate Scrutiny Committee, Amravati,
1st Floor Dr. Babasaheb Ambedkar Social Justice Bhawan,
Camp Road, Amravati.
4. Sub Divisional Officer, Amravati,
Office at near Telephone Exchange Shyam Chowk,
Amravati, Tq. and Dist. Amravati. Respondents.

Mr. P.S. Patil, Advocate for petitioner.

Ms H.N. Jaipurkar, Assistant Government Pleader for respondent nos.1 to 4.

**CORAM : A.S. CHANDURKAR &
PUSHPA V. GANEDIWALA, JJ.**
DATE : 19-01-2022.

Oral Judgment (Per : Pushpa V Ganediwala, J.)

Rule. Rule made returnable forthwith. Heard learned
Counsel Mr. P.S. Patil on behalf of the petitioner and Ms H.N. Jaipurkar,

learned Assistant Government Pleader for the respondents.

2. The petitioner herein is seeking direction to respondent no.2-District Caste Certificate Scrutiny Committee, Nanded, to accept and decide the caste scrutiny proposal of the petitioner dated 30-07-2019 on the basis of caste certificate issued to her by the Sub-Divisional Officer, Amravati.

3. It is not disputed that the father and forefathers of the petitioner are originally residents of village Ghoti, Taluka Kinvati, District Nanded. The father of the petitioner namely Vinod Ramchandra Kosle is having Caste Validity Certificate issued by the Caste Certificate Scrutiny, Aurangabad Division, Committee No.2, Latur. The petitioner states that the respondent no.3 issued Caste Validity Certificate in favour of elder sister of the petitioner on the basis of Caste Certificate issued by Sub Divisional Officer, Amravati. It is the case of the petitioner that the respondent no.3-Committee is reluctant to verify the caste claim of the petitioner on the ground that as per Rule 5(1) of the Maharashtra Scheduled Castes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012 (for short, Rules, 2012'), the caste certificate of the petitioner has to be issued by the competent authority from the place where the father and forefathers of the petitioner were resident of the area of territorial jurisdiction of that competent authority on deemed

date i.e. 13-10-1967. Accordingly, the respondent no.3-Committee, Amravati forwarded the petitioner's proposal for scrutiny to respondent no.-2-Committee, Nanded.

4. The respondent no.2-Committee, Nanded, also expressed its inability to entertain the caste claim of the petitioner since the caste certificate of the petitioner was issued by the Sub-Divisional Officer, Amravati. Since the petitioner is required to run from pillar to post she is constrained to approach this Court.

5. With the assistance of learned Counsel for the petitioner and learned Assistant Government Pleader, we have read Rule 5(1) of the Rules, 2012. As stated earlier, it is not disputed that the father and forefathers of the petitioner were ordinarily residents within the area of territorial jurisdiction of Sub Divisional Officer Nanded on deemed date i.e. on 13-10-1967. As per Rule 5(1) of the Rules, 2012, the competent authority has jurisdiction to issue caste certificate to the applicant who himself or whose father or grand father or great grand father was ordinarily residing within the area of territorial jurisdiction of that competent authority on deemed date. The deemed date as defined under Rule 2(e) for Other Backward Classes is 13-10-1967.

6. For ready reference Rule 5(1) of the Rules, 2012 and Definition Rule 2(e) are reproduced below :

"5(1) The Competent Authority may issue Caste Certificate to an applicant who himself or whose father or grand father or great grand father was ordinarily residing within the area of territorial jurisdiction of that Competent Authority on deemed date."

"(e) "deemed date" means the 10th August, 1950 i.e. date of Presidential Order for Scheduled Caste; and the 21st November, 1961 for De-notified Tribes (Vimukta Jatis) and Nomadic Tribe; and the 13th October, 1967 for Other Backward Classes and Special Backward Category;"

7. Learned Assistant Government Pleader Ms Jaipurkar appearing on behalf of the respondents in her affidavit in reply also conceded the aforesaid position of law.

8. In the light of Rule 5(1) of the aforesaid Rules, the Sub Divisional Officer, Nanded would have territorial jurisdiction to issue caste certificate to the petitioner and consequently, the respondent no.2-Caste Scrutiny Committee, Nanded, would have to verify the caste claim of the petitioner,

9. In this view of the matter, the communication dated 11-09-2019 issued by the Caste Scrutiny Committee, Nanded is required to be quashed and set aside and the same is accordingly, quashed and set aside. The petitioner is permitted to apply to the Sub-Divisional Officer, Nanded for issuance of caste certificate of belonging

to 'Mali' Other Backward Class. The Sub Divisional Officer, Nanded to issue caste certificate to the petitioner within 15 days from the date of such application. The respondent no.2-Committee, Nanded, thereafter shall decide the caste verification claim of the petitioner in accordance with law within 9 months from the date of receipt of such proposal.

10. Rule is made absolute in aforesaid terms with no order as to costs.

(Pushpa V. Ganediwala, J.)

(A.S. Chandurkar, J.)