



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**WRIT PETITION NO.3693 OF 2024**

Ishwari d/o Baburao Kakle  
Age: 10 years, Occu.: Education,  
R/o. Shelgaon, Tq. Kannad,  
Dist. Chh. Sambhajinagar,  
Through father and natural guardian,  
Baliram s/o Baburao Kakle  
Age: 35 years, Occu.: Labourer,  
R/o. As above.

**.. PETITIONER**

**VERSUS**

1. The Union of India,  
Through its Secretary to  
Ministry of Education,  
Dept. of School Education and  
Literacy, Government of India.
2. The Principal,  
PM Shri School,  
Jawahar Navodaya Vidyalaya,  
Kannad, Tq. Kannad,  
Dist. Chh. Sambhajinagar.
3. The Sub Divisional Officer,  
Kannad, Dist. Chh. Sambhajinagar.

**.. RESPONDENTS**

...  
Mr. S. M. Vibhute, Advocate for the petitioner.  
Dr. Kalpalata Bharaswadkar Patil, AGP for Respondent No.3 – State.  
Mr. A. G. Talhar, DSGI for Respondent No.1 and 2.  
...

**CORAM : SMT. VIBHA KANKANWADI AND  
S. G. CHAPALGAONKAR, JJ.**

**DATE : 8<sup>th</sup> APRIL, 2024.**

**ORDER :-**

. Not on board. Upon mentioning, matter is taken on board.

2. Present petition is filed to challenge the order dated 01.04.2024 passed by respondent No.3 Sub Divisional Officer rejecting the application of the petitioner for issuance of tribe certificate.

3. The petitioner contends that she has been selected for the school admission in respondent No.2 School and the said fact was informed by communication dated 02.04.2024. In fact, she had made application for grant of certificate to respondent No.3 on 15.12.2023 and it came to be decided on 01.04.2024. The petitioner contends that in spite of certificate granted to the petitioner's father, uncle, and grandfather, yet the application of the petitioner for issuance of certificate has been rejected.

4. Learned Advocate for the petitioner does not dispute the legal position that the order passed by respondent No.3 can be challenged before the Caste Scrutiny Committee. When the alternative efficacious remedy is available, this Court would be slow in directly interfering with the order. He submits that till today the petitioner has not filed appeal challenging the order of respondent No.3.

5. Learned AGP waives notice for respondent No.3 – State and learned DSGI waives notice for respondent Nos.1 and 2. They both also contend that there is provision for appeal.

6. Taking into consideration the said fact that the appeal is provided, we direct the petitioner to file the appeal before the committee within a period of two days. Though the committee is not a respondent in the present petition, yet taking into consideration the urgency in the matter, we direct the committee to decide the appeal within a period of two weeks from the date of filing of the appeal and till then respondent No.2 may not cancel the selection of the petitioner on the ground of non submission of the caste certificate.

7. The writ petition stands disposed of accordingly.

**[ S. G. CHAPALGAONKAR ]**  
**JUDGE**

**[ SMT. VIBHA KANKANWADI ]**  
**JUDGE**

scm