



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

925 WRIT PETITION NO. 5720 OF 2024

GULAB YESHWANT NIKUMBH

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER

...

Mr. Kalyan V. Patil Advocate h/f. Mr. S.R. Barlinge Advocate for
Petitioner.

Ms. R.P. Gour, A.G.P. for Respondents.

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

DATE : 15th OCTOBER, 2024

ORDER :

1. Learned AGP, in view of the order passed by this Court on 19th June 2024, submits the written communication by Joint Director and Member Secretary, Scheduled Tribe Certificate Scrutiny Committee, Dhule stating that the record in respect of proposal of the petitioner is not traceable. They have taken note of the statements in the petition that the petitioner had approached the then caste scrutiny committee, Nashik in 2003 which had jurisdiction for validation, however, the said committee is then divided into three Districts in 2007 i.e.

Nandurbar, Dhule and Jalgaon. The petitioner's claim was from Nandurbar and therefore, it was transferred to Nandurbar Committee. However, on 9th May 2022 a separate new committee has been appointed for Dhule as well as Nandurbar, at Dhule. This had led to the loss of record. There is a request by the committee that if record is made available by the petitioner then they may consider the said record and decide the proposal.

2. Learned Advocate Mr. Kalyan holding for learned Advocate Mr. Barlinge for petitioner submits that the petitioner would supply the record which is available with him, to the Committee.

3. Though it has been stated in the recent communication dated 15th October 2024 that in view of the suggestion by the committee that the applicant should approach the concerned authority and get a new caste certificate which they will consider for validation, we do not approve the same. When the petitioner had made the application in 2003 and it was kept pending by different Committees, it does not lie in the mouth of the present committee to seek direction against the petitioner that he should approach the concerned authority and get a fresh caste certificate. The petitioner to provide all the documents to the Committee within one week. We clarify, in view of the statement

made by the learned Advocate for the petitioner, that the original caste certificate was submitted along with the proposal in 2003, the petitioner is having only the photo copy of the same; the Committee to accept the photo copy of the said certificate and may get verification of the same from the concerned authority, as to whether it was issued in 2003 or not.

4. After the documents are produced by the petitioner before the Committee, the Committee to decide the said proposal within a period of six months from the date of production of documents.

5. We dispose of the Writ Petition with the above directions.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE