

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

946 WRIT PETITION NO. 13342 OF 2024

**RAJENDRA KHANDU THAKUR
VERSUS
STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS**

...
Mr. R.K. Mendadkar, Advocate for the petitioner.
Mr. A.S. Shinde, A.G.P. for respondent Nos. 1,2, 4 and 5.
...

**CORAM : S.G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATED : 6 DECEMBER 2024

ORDER:-

. Heard learned Counsel for the petitioner. Issue notice to the respondents. Learned A.G.P. waives service of notice for respondent Nos. 1, 2, 4 and 5.

2. The petitioner has impugned the order of respondent No.2 dated 04.07.2024 whereby his caste validity has been declined for the reason that the entry regarding said caste certificate was not available with the office. For want of such authenticated caste certificate the application of the petitioner was dismissed. However, in the impugned order the authority has not taken away right of the petitioner as not belonging to Scheduled Tribe. The authority i.e. respondent No.2 itself has observed that the petitioner may move fresh application by obtaining a fresh caste certificate from the

competent authority. The petitioner has accordingly obtained the fresh certificate on 29.07.2024 and submitted a fresh proposal on 01.08.2024.

3. Learned Counsel for the petitioner would submit that the petitioner had moved an application on 30.07.2013. Now the petitioner is superannuating on 31.01.2025. Hence, the directions are necessary against respondent No.2 to decide his caste claim before his superannuation. He would submit that since the document was not forged, Clause-B of the impugned order is illegal.

4. Learned A.G.P. would submit that the judgment of respondent No.2 is based upon the fact. In the absence of valid caste certificate the impugned order is appropriately passed.

5. Perused the papers and considered the submissions of respective Counsel. The caste claim of the petitioner is merely rejected on the ground that caste certificate record is not traceable with the authority issuing caste certificate. Therefore, it cannot be said that it was a fraudulent document. The Committee itself has taken a view that the applicant / petitioner may move a fresh application on obtaining fresh caste certificate. The petitioner has done it accordingly. Therefore, we are of the opinion that Clause-B of

the impugned order is illegal and liable to be quashed and set aside.

6. Considering the length of the claim pending before the Tribe Committee, it would be appropriate to direct the Committee to decide the caste claim application of the petitioner within specific time. Hence, the following order.

ORDER

- (i) The writ petition is partly allowed.
- (ii) The impugned order dated 04.07.2024 passed by respondent No.2 to the extent of Clause-B stands quashed and set aside.
- (iii) Respondent No.2 is directed to decide the caste claim application of the petitioner before 31.01.2025.
- (iv) The petitioner shall appear before the Committee on 19.12.2024 as the Committee would assemble to hear such type of matters on that day.

(SHAILESH P. BRAHME)
JUDGE

(S.G. MEHARE)
JUDGE