



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

WRIT PETITION NO.6260 OF 2022

Dev S/o Bhogilal Asane, Akot Road, Akola

-VS-

State of Maharashtra, Tribal Development Dept. Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri Anand S. Thotange, Advocate for petitioner.

Shri M. K. Pathan, Assistant Government Pleader for respondents.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : March 19, 2024

P. C.

1. We have heard the respective counsel for sometime.
2. The order impugned dated 13/04/2022 negating the caste-claim of the petitioner for issuance of validity of 'Mochi' Scheduled Tribe is not sustainable for the following reasons :
 - (a) The relatives who are the first cousins of the petitioner who hold validity viz. Devendra Gopal Asane and Maheshkumar Asane are not at all considered and dealt with but for referring to the judgment in the matter of *Apporva Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and ors. 2010(6) Mh.L.J. 401;*
 - (b) The Government Circular dated 09/10/1964 which was in the form of a Notification is informed to have been not considered.
3. That being so the impugned order dated 13/04/2022 negating the caste-claim of the petitioner is hereby quashed and set aside.

4. The petitioner is permitted to appear before respondent No.2- The District Caste Certificate Verification Committee, Akola on 15/04/2024 with his written notes of argument and all relevant documents.

5. We expect the Committee to decide the caste-claim of the petitioner expeditiously and in any case within a period of eight weeks from production of this order before it.

6. The writ petition is partly allowed in aforesaid terms with no order as to costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)