



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 31 OF 2022

Prakash Gopal Devreshe

....Petitioner

VERSUS

Head Master
Priyadarshini Prathmik Vidyalyamandir
& others

.....Respondents

Mr. S. R. Kolhare, Advocate for the Petitioner.
Mr. V. G. Kodale, Advocate for Respondent No.1 .
Mr. U. S. Bondar, Advocate for Respondent No. 3.

CORAM : R. M. JOSHI, J.

DATE : 3rd OCTOBER, 2025.

PER COURT :

1. During the course of hearing, learned counsel for Respondents have brought to the notice of this Court arguments advanced before the Tribunal that the village from which the Petitioner hails is not covered by Government Resolution dated 10.07.2008 in order to accept the caste validity certificate issued by the State of Karnataka. To support their submission, reliance is placed on Government Resolution dated 10.07.2008 indicating village Mruki to be covered under the said notification and not Murkiwadi.

2. Learned counsel for Petitioner resisted the said submission by contending that Murkiwadi is part of village Murki and therefore, the notification applies to Murkiwadi.

3. Whether Murkiwadi forms part of village Murki is a finding of fact. For the first time the same cannot be decided by the Writ Court. Perusal of the impugned order clearly indicates that this issue was raised however, the same is not dealt with by the Tribunal. Though the Tribunal has recorded finding in favour of the Petitioner, it was necessary for the Tribunal to hold that Murkiwadi forms part of village Murki and therefore the notification applies to the Petitioner. Since the said finding is not arrived at, the proceeding of Appeal No. 23/2015 stands relegated back to the Tribunal for decision on this issue only. The Tribunal is expected to decide said issue within a period of three months from today and the order passed on said issue be relegated to this Court for decision of this Petition on merit. Hence, the following order :-

ORDER

- (i) The School Tribunal, Latur is directed to decide the issue in Appeal no. 23/2015 as to whether Murkiwadi forms part of village Murki in order to apply notification dated 10.07.2008 to the Petitioner.

(ii) Findings to that effect be recorded within a period of three months from today and be relegated back to this Court.

4. Stand over to 09.01.2026.

(R. M. JOSHI)
Judge

dyb