



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6462 OF 2024

Fulchand s/o Shankar Pawar @
Fulchand s/o Lalu Jadhav,
Age: 29 years, Occu: Student,
R/o: Sarwadi, Ta.: Nilanga, Dist.: Latur
Presently residing at : Gandhi Nagar Tanda,
Dudhani, Ta.: Akkalkot, Dist.: Solapur ... Petitioner

Versus

1. The State of Maharashtra
Through its Principal Secretary,
Revenue Department, Mantralaya,
Mumbai – 400 032
2. The District Collector,
Latur, Ta. And Dist.: Latur
3. The Tahsildar,
Tahsil Office, Nilanga
Ta.: Nilanga, Dist.: Latur
4. The Coordinator (Incharge),
State Reserved Police, Gut No.8,
Goregaon (East), Mumbai-65. ... Respondents

....

Mr. K. P. Rodge, Advocate for the Petitioner,
Mr. S.R. Yadav-Lonikar, AGP for the Respondents State.

....

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

**RESERVED ON : 02.07.2024
PRONOUNCED ON : 09.07.2024**

JUDGMENT (Per : Y. G. Khobragade, J.) :-

1. Mr. S.R. Yadav-Lonikar, the learned Assistant Government Pleader appears on behalf of Respondents Nos. 1 to 4.

2. **Rule.** Rule made returnable forthwith. With Consent of both sides matter is heard finally at the admission stage.

3. By the present Petition, the Petitioner has put forth prayer clauses C & D as under:

“(C) By issuing a Writ of Certiorari or any other appropriate writ order or direction in the like nature, the circular dated 31.05.2023 issued by respondent No.2 – Collector and the impugned order dated 06.06.2024 passed by respondent No.3 – Tahsildar, thereby cancelling the Certificate of Earthquake Affected Person dated 30.08.2022 issued in favour of the Petitioner be quashed and set aside;

(D) By issuing a Writ of Mandamus or any other appropriate writ order or direction in the like nature, respondent No.4 be directed to issue appointment order to the Petitioner as per his selection to the post of Police Constable (Armed) from the Earthquake Affected Persons (open) category.”

4. In short, it is the story of the Petitioner that, he is biological son of Shri Shankar Ramu Pawar and Sau. Gunbai Shankar Pawar, R/o Dudhani, Tq. Akkalkot Distt. Solapur. On 18-04-2022, his biological parents gave him in adoption to Shri Lalu Shivram Jadhav and Sau. Narsabai Lalu Jadhav under the registered adoption deed executed before the Sub-Registrar Nilanga, Dist. Latur. At the time of adoption, he was 10 years old. The adoption ceremony was followed by rituals in vogue and as per provisions of Hindu Adoption and Maintenance Act, 1956. Since the day of adoption ceremony, he started residing with his adoptive parents, however, due to some quarrel, his adoptive parents denied to recognize his status as an adoptive son. Therefore, he filed a Regular Civil Suit No. 725 of 2022 before the Civil Judge Senior Division, Nilanga against his adoptive parents and prayed for declaration of his status as adopted son. During pendency of Suit, he and his adoptive parents entered into compromise and matter was placed before the National Lok Adalat for settlement of dispute. Since, the dispute was settled, a Compromise Decree was passed as per deed of compromise. Thereafter, the Petitioner approached with Respondent No. 3, Tahsildar for issuance of certificate of Earthquake Affected Person on the basis of Adoption

Deed and Compromise Decree passed in RCS 725 of 2022. Accordingly, the Respondent no. 3 issued a certificate certifying that the Petitioner is an adopted son of his adoptive parents, the Earthquake Affected Persons, and he is entitled for reservation under said quota in the Government Service.

5. Mr. K.P. Rogde, the learned Counsel for the Petitioner canvassed that the present Respondent No. 4 has published an Advertisement for filling up of 75 post of Police Constables (Armed) in the State of Maharashtra wherein, one post was reserved for Earthquake Affected Persons Category. Therefore, the Petitioner submitted his candidature through online process. After due scrutiny, the Petitioner was found eligible for the said post. He was called for physical test and written test, in which he succeeded. Thereafter, he was called upon for verification of documents and was selected for the post of Police Constable (Armed). Then, he appeared before J.J. Hospital, Byculla, Mumbai for Medical examination, wherein, he was declared medically fit. However, on 06-06-2024, Respondent No. 3, Tahsildar called upon the Petitioner, his adoptive parents as well as his natural parents for verification of veracity of the Certificate of Earthquake Affected Person issued by the then Tahsildar on

30.08.2022. Respondent No. 3- Tahsildar, after conducting a hearing, revoked/cancelled said certificate, therefore, no appointment order has been issued in his favour. Hence, the Petitioner is under an apprehension that his selection may be cancelled by Respondent No. 4.

6. The learned counsel for the Petitioner further submits that, Respondent No. 2 Collector, Latur, issued a Circular dated 31.05.2023 and instructed all the S.D.Os., and all Tahsildar in Latur District to follow guidelines while issuing a Certificate of Earthquake Affected Person or Project Affected Person in favour of an adopted son. Clause 3 of said Circular provides guidelines for issuance of Certificate of Earthquake Affected Person or Project Affected Person as per Government Resolution dated 20th March, 1997, which does not make difference between real son and adopted son. Therefore, it is contended that once the Petitioner's adoptive parents executed Adoption Deed and the competent Court passed the compromise decree, declaring that the Petitioner is adopted son of Shri Shankar Ramu Pawar, who is Earthquake Affected Person, Respondent No. 3 is having no power/authority to revoke the certificate dated 30-08-2022 granted in his favour. However, Respondent No. 3, at his own accord,

conducted enquiry without any complaint by anybody.

7. It is further canvassed that, the learned Civil Judge Senior Division, Nilanga passed the compromise decree as per compromise terms arrived at between the Petitioner and his adoptive parents and confirmed the status of the Petitioner as adoptive son. Therefore, Respondent No. 3, Tahsildar is not empowered to revoke/cancel Earthquake Affected Person Certificate as per Circular dated 31.05.2023 issued by Respondent No. 2, Collector. Therefore, impugned order dated 06.06.2024 is illegal and bad in law, hence, prayed to quash and set aside the same.

8. The learned counsel for the Petitioner further canvassed that Respondent No. 2, Collector has no power to issue Circular dated 31.05.2023 overriding provisions of Hindu Adoption and Maintenance Act, 1956, therefore, said Circular is contrary to law and issued without jurisdiction, thus it is liable to be quashed and set aside.

9. It further canvass that, Respondent No. 2 Collector or Respondent No. 3 Tahsildar has no authority to decide legality and validity of the Adoption Deed and/or the decree of Civil Court.

Therefore, the certificate of Earthquake Affected Person granted on 30.08.2022 in favour of the Petitioner on the basis of Compromise Decree dated 07.05.2022 passed in R.C.S. No. 725 of 2022 as well as Registered Adoption Deed dated 14.04.2022 is not revocable under the guise of review. Therefore, impugned order of cancellation of the certificate is per se illegal.

10. To buttress his submissions, the learned relied on following judicial pronouncements viz., (i) **(2011) 13 S C C 99 Secretary, A.P.D. Jain Pathshala And Others. Vs. Shivaji Bhagwat More and Others** (ii) **2013 SCC OnLine Bom. 1032 =(2013) 5 Mah. LJ 827 Mihir Ramesh Vora Vs. Union Of India.**

11. Per Contra, the learned AGP supported impugned order and canvassed that the alleged Deed of Adoption was executed before the Sub-Registrar, Nilanga. At the time of Adoption, the Petitioner was more than 27 years of age. Sec. 10(iv) of Hindu Adoption and Maintenance Act, 1956 does not permit the adoption of Child of more than fifteen years. Therefore, said adoption deed itself is illegal and bad in law. So also, the adoption deed allegedly executed before the sub-Registrar on 18.04.2022 and thereafter, within period of 14 days

from execution of Adoption Deed, the Petitioner had filed a suit bearing R.C.S. No. 725 of 2022 on **02nd May, 2022** before the Civil Judge, Senior Division and prayed for decree of declaration that he is adopted son of the defendants therein (adoptive parents). The ground raised was that due to some quarrel, his adoptive parents denied his status as adopted son. Thereafter, immediately on **6th May, 2022**, the present Petitioner (Plaintiff) and his adoptive parents (Defendants) in said suit entered into compromise Deed and placed the matter before the Lok-Adalat held and Compromise Decree came to be passed on **07th May, 2022**. Thereafter, on the basis of Deed of Adoption and Compromise Decree, the Petitioner secured an Earthquake Affected Certificate dated 30-08-2022 and got selected for the post of Police Constable (Armed) with Respondent No.4. After the said certificate was referred for verification, Respondent No. 3 issued notices to the concerned and after examining the witnesses, impugned order dated 06.06.2024 has been passed, which is legal and appropriate, hence, prayed for dismissal of the Petition.

FINDINGS

12. It is not in dispute that, the Petitioner is a biological son of Shri Shankar Ramu Pawar and Sau. Gunbai Shankar Pawar,R/o

Dudhani, Tq. Akkalkot Dist. Solapur. Shri Lalu Shivram Jadhav and Sau. Narsabai Lalu Jadhav, who are now aged about 72 and 67 respectively are the resident of Village Sarvadi, Tq. Nilanga, Dist. Latur. Neither the Petitioner nor his biological parents are blood relatives of adoptive parents. The Petitioner has placed on record the copy of Adoption Deed dated 18.04.2022, registered with the Office of Sub-Registrar, Nilanga, Dist. Latur, wherein it is stated that alleged adoptive father is having two daughters and they wanted to adopt the Petitioner, so they adopted him when he was 10 years old. The adoption ceremony had already taken place on the eve of Gudipadva in the year 2005 as per Hindu customs. Thereafter, he started residing with his adoptive parents, however, his adoptive parents denied his status as adoptive son due to differences between them, therefore, he filed a suit bearing R.C.S. No. 725 of 2022, which has been compromised in National Lok-Adalat. Accordingly, the learned Trial Court passed the compromise Decree on 7th May, 2022. Thereafter, the Petitioner succeeded to obtain a Certificate of Earthquake Affected person on 30th August, 2022 on the basis of Registered Adoption Deed dated 18.4.2022 and compromise decree dated 7th May, 2022. Indeed, the Petitioner got selected for the post of Constable (Armed)

from the reserved category of Earthquake Affected Person showing that he is adoptive son of earthquake affected person.

13. Needless to say that, on 31.05.2023, Respondent No. 1, Collector has issued a Circular and provided guidelines for issuance of certificate for Earthquake Affected Persons that, many persons are pretending adoptive son of Earthquake Affected Persons and obtaining such certificates under the Hindu Adoption and Maintenance Act, 1956, therefore, Earthquake Affected Persons certificates can only be issued after completion of Court proceeding for adoption. So also, Earthquake Affected Person could have adopted the child below the age of 15 years. However, many persons have obtained certificates by showing that, they are adopted by the Earthquake Affected Person and they used to file Court proceeding for declaration that after adoption some quarrel took place and subsequently they settle their dispute by filing compromise deed and thereby secures Government job. Therefore, to curtail such practice, Respondent No. 2 framed certain guidelines in Para 9 to 10.7, which provides as under:

"९. हिंदू दत्तक व निर्वाह अधिनियम, १९५६ भाग दोन मधील कलम ५ ते १७ मधील दत्तक विधानाचे तरतुदीप्रमाणे दत्तकविधान सिध्द होते की नाही

यांची खात्री करणे अनिवार्य आहे.

१०. दत्तक पुत्राला भूकंपग्रस्त प्रमाणपत्र निर्गमित करताना नोंदणीकृत दत्तक विधान व न्यायालयीन आदेशाबरोबरच अर्जाची सविस्तर **स्थानिक चौकशी** होणे आवश्यक आहे. त्यासाठी खालील सूचना निर्गमित करण्यात येत आहे.

१०.१ हिंदू दत्तक व निर्वाह अधिनियम, १९५६ मधील कलम १० उपकलम (चार) मधील तरतुदीनुसार दत्तक मुलाचे वय १५ वर्षांपेक्षा कमी असणे आवश्यक आहे. दत्तकपुत्राचे दत्तक विधान विधी समयी वयाची खात्री करणे अनिवार्य आहे.

१०.२ दत्तक पुत्राचे जन्मदाते माता पिता व दत्तक माता पिता हे सर्वसाधारणपणे एकमेकांचे जवळचे रक्ताचे नातेवाईक असतात व एकाच जातीचे असतात. याची खात्री करणे अनिवार्य आहे.

१०.३ हिंदू धार्मिक रूढीपरंपरेनुसार विधीवत दत्तक विधान होणे आवश्यक आहे. यासाठी या विधीचे पौरोहित्य करणा-या पुरोहिताचा जबाब नोंदविणे अनिवार्य आहे.

१०.४ या दत्तक विधान विधीस उपस्थित दत्तक मातापित्याचे नातेवाईक व दत्तक देणा-या मातापित्याचे नातेवाईकांचे जबाब घेणे आवश्यक आहे. तसेच दत्तक माता पित्यांच्या मुलींचा जबाब घेणे आवश्यक आहे.

१०.५ असा दत्तक विधान विधी ज्यांच्या उपस्थितीत झाला होता असे

गावातील पंचाची साक्ष आवश्यक आहे.

१०.६ अश्या दत्तक विधान विधीनंतर दत्तक पुत्राचे वास्तव्य दत्तक विधीनंतर दत्तक मातापित्याकडे असणे अनिवार्य आहे.

१०.७ दत्तक विधान विधीनंतर दत्तक पुत्रास दत्तक माता पित्याचे नांव धारण करणे अनिवार्य आहे. त्यामुळे दत्तकपुत्राचे शिक्षण घेत असेल तर त्याचे शाळेचा अभिलेखातील नोंदीत दत्तक माता पित्याचे नाव असणे आवश्यक आहे. याची खात्री करणे अनिवार्य आहे."

14. As per the directions of Respondent No. 2 Collector, Respondent No. 3, Tahsildar Nilanga initiated review in respect of Certificate issued in favour of the Petitioner and issued notices to biological parents, adoptive parents of the Petitioner and others. Accordingly, Respondent No. 3 provided opportunity of hearing and recorded their statements as well as examined the document Nos. 1 to 6 as described in order dated 06.06.2024. On perusal of impugned order it reveals that, (i) at the time of adoption, the Petitioner was more than 15 years of age; (ii) as per Compromise deed, the Petitioner was 22 years of age; (iii) there is no blood relation between the Petitioner and his adoptive parents; (iv) the Petitioner has not obtained Aadhar Card, School Record in his adoptive parents' name

and (v) Neither the relatives of adoptive parents nor the relatives of parents who gave him in adoption (biological parents) were present at the time of adoption ceremony. Therefore, Respondent No.3 cancelled/revoked Earthquake Affected Certificate dated 18.04.2022.

15. Sections 10 and 11 of the Hindu Adoption and Maintenance Act, 1956 provides as under:

10. Persons who may be adopted.—No person shall be capable of being taken in adoption unless the following conditions are fulfilled, namely:

(i) he or she is a Hindu;

(ii) he or she has not already been adopted;

(iii) he or she has not been married, unless there is a custom or usage applicable to the parties which permits persons who are married being taken in adoption;

(iv) he or she has not completed the age of fifteen years, unless there is a custom or usage applicable to the parties which permits persons who have completed the age of fifteen years being taken in adoption.

11. Other conditions for a valid adoption.—In every adoption, the following conditions must be complied with:

(i) if the adoption is of a son, the adoptive father or mother by whom the adoption is made must not have a Hindu son's son or son's son's son (whether by legitimate blood relationship or by adoption) living at the time of adoption;

(ii) if the adoption is of a daughter, the adoptive

father or mother by whom the adoption is made must not have a Hindu daughter or son's daughter (whether by legitimate blood relationship or by adoption) living at the time of adoption;

(iii) if the adoption is by a male and the person to be adopted is a female, the adoptive father is at least twenty-one years older than the person to be adopted;

(iv) if the adoption is by a female and the person to be adopted is a male, the adoptive mother is at least twenty-one years older than the person to be adopted;

(v) the same child may not be adopted simultaneously by two or more persons;

(vi) the child to be adopted must be actually given and taken in adoption by the parents or guardian concerned or under their authority with intent to transfer the child from the family of its birth 1[or in the case of an abandoned child or a child whose parentage is not known, from the place or family where it has been brought up] to the family of its adoption:

Provided that the performance of datta homam shall not be essential to the validity of an adoption.

16. It is needless to say that, adoption is the process in which adoptive parents take personal responsibility for a child who is not their biological child. Through this process, the child becomes a lawful child of the parents who adopted them. They have privileges, responsibilities and rights attached to the child.

17. In case of *Dhanraj Vs Smt. Surajbai*, AIR 1975 SC 1103,

the Hon'ble Supreme Court held that, "the use of the word "child" in clause (vi) of section 11 and in section 9(1) read in contrary-distinction of the use of word "person" in clause (iii) of section 6 would make it clear, counsel submitted, that the condition of giving in adoption is applicable only to a minor child and not to an adult. We see no substance in this argument. Under the law as engraved in section 10 of the Act, a person is not capable of being taken in adoption if he or she has completed the age of 15 years and that is the reason that the word "child" has been used in sections 9 and 11. The use of the word "person" in section 6(iii) and at the commencement of section 10 is not for the purpose of bringing about any difference in law in regard to the giving of the child. If the custom permits a person of the age of 15 years or more to be taken in adoption then even such person would be the child of the father or the mother. 'Child' would not necessarily mean in that context a minor child. If the child is a minor, in absence of the father or the mother, a guardian appointed by the will of the child's father or mother and a guardian appointed or declared by a court, would be competent to give the child in adoption. But in case of a major in absence of the father or the mother, no body will be competent to give him in adoption because no such provision

has been made in the Act to meet such a contingency. The scheme of the Act was not to make a child of 15 years of age or above fit to be taken in adoption. Exception was made in favour of a custom to the contrary.”

18. In the case of Kondiba Rama Papalalias Shirke .v. Narayan Kondiba Papal, AIR 1991 SC 1180, the Hon’ble Supreme Court considered scope of Sec. 10 of Hindu Maintenance And Adoption Act and observed as under:

“The The question then arises, is the adoption legal and valid in law in view of the provisions of the Act? Section 10 of the Act inter alia provides that no person shall be capable of being taken in adoption unless the four conditions therein laid down are fulfilled. We are concerned with the fourth condition and it is as under:

'(iv) he or she had not completed the age of fifteen years, unless there is a custom or usage applicable to the parties which permits persons who have completed the age of fifteen years being taken in adoption.' At the time when the plaintiff was adopted he was about 22 years old, but even though there is a difference of opinion between various schools as to the age when a boy may be adopted, so far as the Bombay State is concerned the position is well settled in view of more than one judicial decision. As pointed out in Mulla's Hindu Law, 14th Edition at page 550, in the

Bombay State a person may be adopted at any age though he may be older than the adopter and though he may be married and have children. The adoption is not invalid although it took place after the thread ceremony of the boy was performed. Thus the custom is judicially recognised in the Bombay State as regards adoption of child at any age. Once the custom is judicially recognised, it is not required to be independently proved in subsequent cases. The plaintiff and the defendant No. belonged to the area which was part of the old Bombay State and accordingly such a custom prevailed amongst them as regards adoption of a child at any age. Even independently of this position, in the old Bombay State evidence was led of two instances of adoption of persons belonging to the same caste as the plaintiff where a child was adopted at the age above 15 years after the Act came into force. Thus in my opinion, in view of the settled position in law as judicially recognised, if the factum of the adoption is established its validity cannot be challenged on the ground that the adopted child had completed the age of 15 years at the time of his adoption.

2. This observation of the High Court is well supported by a long line of decisions of that court including the subsequent decision of the Full Bench of that Court in *Anirudh Jagdeorao V. Babarao Irbaji and Ors.* - AIR 1983 Bom 391. In the circumstances we see no reason to interfere with the impugned judgment. The appeal

is, therefore, dismissed. We shall, however, make no order as to costs."

19. The learned counsel for the Petitioner relied on the case of **Secretary, A.P.D. Jain Pathshala, (supra)**. In Para No. 30 of the said judgement, it is held that, "constitution of a Grievance Committee as a Public adjudicatory forum, whose decision are binding on the parties to the disputes, by an executive order of the Government is impermissible. Secondly, the High Court cannot in exercise of judicial power interfere with the jurisdiction of the civil courts vested under the Code of Civil Procedure. Any such Grievance Committee created by an executive order, either on the direction of the High Court or otherwise, can only be fact-finding bodies or recommending bodies in which can look into the grievances and make appropriate recommendations to the Government or its authorities, for taking necessary actions or appropriate reports to enable judicial tribunals to render decisions."

20. The learned Counsel for the Petitioner relied on the case of **Mihir Ramesh Vora ..Vs.. Union Of India 2013 S C C OnLine Bom. 1032 =(2013) 5 Mah. LJ 827**, wherein the Hon'ble Supreme Court

has considered the word “Adopted Children” prescribed in Circular dated 3-10-2001 issued by the Ministry of External Affairs (CPV Division) Government of India for issuance of Passport to all adopted children and observed in para 9 & 10 as under:

“9] The circular dated 3.10.2001 is required to be read in its entirety. So read, it is clear that the same applies to minor children, whether adopted or otherwise. The portion of the circular captioned “Adopted Children” cannot be read independent of the first portion, which clearly concerns minor children below 18 years age. Even in the second portion of the circular entitled “Adopted Children” reference is made to 'children' or 'adopted children'. Contextually, it is clear that the requirement concerns 'minor adopted children' and not 'adopted children', who have attained age of majority. Further, in any case, the circular applies to children, who are adopted from another State/area of jurisdiction other than that of the passport officer. This is a matter of precaution. None of the these circumstances apply to the Petitioner's case. The Petitioner is neither a minor, nor has he been adopted from another State/area or jurisdiction other than that of the passport officer. Clearly therefore, the circular dated 3.10.2001 is inapplicable to the case of the Petitioner. In these circumstances, it is not necessary to rule upon the validity or otherwise of the circular dated 3.10.2001 in the peculiar facts and circumstances of the present Petition.

10] Mr. M. M. Vashi, however, placed reliance upon the decision of a Division Bench of this Court in the case of Vishvanath Ramji Karale vs. Rahibai Ramji Karale & Ors. A.I.R. 1931 Bombay 105, in which it is held that it is the act of adoption and not an adoption deed which confers the status of an adopted son. A perfectly valid adoption can be made without an adoption deed. The relevant observations from this judgment are transcribed herein below for ready reference:-

“.... Now admittedly this document was not written in the presence of the Sub-Registrar or by him, and the question then would be whether an adoption deed of this nature requires registration. Under S. 17, Registration Act, adoption deeds in themselves are not compulsorily registrable, but it is contended that by this adoption deed Ramji the adopter created an interest of Rs.100 or upwards in immovable property and therefore the document would be compulsorily registrable. The answer to that is that it is not the adoption deed which confers the status of an adopted son or any interest in the property of the adoptive father, but the adoption itself which in this case had taken place some days earlier. A perfectly valid adoption can be made without an adoption deed and any status which the adopted son gets by the adoption is due to the proper ceremonies being performed and not to any deed passed as evidence of that adoption.”

21. In the case in hand, it prima-facie appears that, on 18th April 2022, the Petitioner got executed a registered deed of Adoption from his alleged adoptive parents and within a span of 14 days, the Petitioner instituted a Regular Civil Suit No. 725 of 2022 on **2nd May, 2022** before the learned Civil Judge Senior Division, Nilaga Dist. Latur and prayed for decree of declaration that he is adoptive son of defendants therein- Shri Lalu Shivram Jadhav and Smt. Narsabai Lalu Jadhav.

Since the Petitioner has not described about schedule of proceeding of RCS No. 725 of 2022, therefore, this Court suo-moto taken detail Roznama from website of the Civil Court and noticed that on **2nd May, 2022**, the Petitioner instituted suit. On **4th May, 2022**, the learned Trial Court issued notices to the defendants and thereafter, on **6th May, 2022**, the defendants therein (Adoptive parents) through their Counsel suo-moto appeared in the matter and **filed application for taking the case on Board and filed the Compromise Deed Exh. 10**. Thereafter, matter was placed before the National Lok-Adalat, wherein matter was settled. Accordingly, on **7th May, 2022**, the learned Trial Court passed the order, which reads as under:

"ORDER BELOW EXH. 1

(Passed ON 07-05-2022)

In view of compromise memo at Exh. 10, the plaintiff and defendants have compromised the matter. Therefore, the suit is disposed of in terms of compromise memo at Exh. 10 in National Lok-Adalat. Court fees be refunded as per rule. Decree be drawn up accordingly."

22. Since Respondent No. 1, Collector noticed about obtaining Certificates of Earthquake Affected Person by many persons by adopting mode of securing adoption deed and subsequently instituting suit for declaration showing cause of dispute between them and their adoptive parents, so also, they are showing settlement of dispute between them and their adoptive parents and obtain compromise decree from the court of law. Thereafter, said beneficiary obtains certificate of Earthquake Affected Person on the basis of Adoption Deed and compromise decree of the court. Therefore, in order to curtail such manipulation practice and to prohibit such illegal beneficiaries, Respondent No. 2 issued the circular dated 31st May, 2023 and framed guidelines for issuance and verification of Earthquake Affected Persons certificate, which does not appear illegal or prejudicial to any one. On the contrary, by issuing the impugned circular, Respondent No. 2 Collector extended the benefit to the real

and genuine beneficiaries. Therefore, contention of raised by the Petitioner is not acceptable to us.

23. Since, Respondent No. 3 conducted a detailed enquiry and recorded statements of the Petitioner, his biological and adoptive parents, so also, provided sufficient opportunity of hearing and concluded that the Petitioner executed adoption deed with an intention to secure government job under the category reserved for Earthquake Affected Person, therefore, the Certificate of Earthquake Affected person granted on 30-8-2022, has been revoked/ cancelled, which does not appear to be illegal, erroneous or bad in law.

24. Needless to say that, Respondent Nos. 1 to 4 were not parties to the suit bearing R.C.S. No. 725 of 2023. The Respondent No.3 has not gone into the facts of compromise decree in respect of adoption deed. Respondent No. 3 revoked the Earthquake Certificate dated 30.08.2022, which was issued in favour of the Petitioner on the basis of adoption deed and compromise decree, on the grounds mentioned in the impugned order, referred herein above, by following the guidelines framed in that regard. Since it prima facie appears that by misrepresentation and manipulation, the Petitioner

executed adoption deed and obtained compromise decree, we do not find that, Respondent no. 3 committed any illegality and no interference is called for from this Court.

25. Further, during course of hearing, the Petitioner has produced a photocopy of his School Leaving Certificate dated 16th June, 2013 issued by Shri Gurushant Lingeshwar Junior College, Dudhani, Distt. Solapur. The Petitioner also produced the photocopy of his Aadhar Card. The School leaving certificate and Aadhar Card indicate the Petitioner's date of birth as 20th August, 1994. The alleged adoption deed was executed on 18th April, 2022. Therefore, this itself proves that on the date of execution of the adoption deed, the Petitioner was 27 old, which is not permissible under section 10(iv) of the Hindu Adoption and Maintenance Act, 1956. Not only this but soon after execution of adoption deed, the Petitioner had filed suit for declaration, which came to be compromised within a span of 5 days, which certainly falls under shadow of doubt and obtained a certificate of Earthquake Affected person. Therefore, conduct of the Petitioner itself appears doubtful and he has manipulated the Adoption Deed and compromise decree from the Court just to secure Government job under reservation of Earthquake Affected person.

Further, though the Petitioner claimed that, in the year 2005, adoption ceremony was took place but the school & education record of the petitioner reflect names of his biological father. So also, the Petitioner himself presented this Petition disclosing name of his biological father. If really, the Petitioner could have been adopted by his adoptive parents in that event, he would not tag the name of his biological father.

26. In view of above discussion, it cannot be held that the Respondent No. 3 erred in passing impugned order dated 6th June, 2024 and no perversity is found. Therefore, **present Petition is hereby dismissed**. Accordingly, Rule discharged.

27. We could have imposed costs on the Petitioner, in order to send out a clear message to the public at large. However, the learned Advocate for the Petitioner prayed for leniency contending that the Petitioner is a student. Hence, we are not imposing costs.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]