

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO. 8738 OF 2015

BALU EKNATH THOMBRE
VERSUS
THE STATE OF MAH AND OTHERS

...
Advocate for Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondents:Mr. V.D.Godbharle
Advocate for Respondent No.2 :Mr. Tele Ashok B.

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Date: August 26, 2015

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PER COURT :-

1 The petitioner is seeking directions to the Sub Divisional Officer, Ahmednagar for issuance of Tribe certificate, certifying that, he belongs to Koli Mahadev, Scheduled Tribe (ST). This Court, while dealing with Writ Petition No.4536 of 2014, decided on 14.8.2014, issued certain directions. The directions contained in paragraph Nos.'(c)' and '(d)' are reproduced as below:-

" (c) In the event earlier caste certificates had been issued by the Executive Magistrates, it would be open for the petitioners to tender an application to the Sub Divisional Officer of the concerned Division and such officer shall entertain the application and shall issue caste certificate/s in the prescribed proforma on verifying attested/authenticated Photostat copy of the earlier caste certificate.

(d) The concerned Sub Divisional Officer/Competent Authority, on receipt of the applications by respective petitioners, together with attested/authenticated Photostat copy of the caste/tribe certificate issued earlier, shall

proceed to issue caste/tribe certificate in prescribed proforma certifying that respective petitioners belong to Koli Mahadev, Scheduled Tribe. The Sub Divisional Officers/Competent Authority shall issue certificate within a period of four weeks from the date of receipt of the applications. "

2. In view of the directions, as quoted above, on compliance of the instructions contained in the directives referred to above, by the petitioner, the Sub divisional Officer/Competent Authority shall issue caste certificate, within four weeks from the date of receipt of application. Since the petitioner was already possessed of a certificate, certifying that he belongs to Mahadev koli, ST, which was not found to be technically correct, we have issued directions to the Competent Authority/concerned Sub divisional Officers to issue a certificate on production by the applicant, the attested/Photostat/authenticated copy of the caste certificate issued in favour of the applicant, earlier, without insisting for any other evidence. On compliance with such directives, as reproduced in paragraph No.'(d)' above, the Sub divisional Officer shall issue a certificate, within the time specified above.

3 The impugned order dated 3.8.2015 passed by the Sub Divisional Officer, Ahmednagar rejecting the request of the petitioner to issue caste certificate is quashed and set aside and the concerned authority is directed to take steps and issue certificate as directed in above referred paragraphs. The petition stands disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)