

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 9843 OF 2014**

KISHOR SHIVAJI THAKUR GUARDIAN OF KIRTIKUMAR
AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Golegaonkar Anil S.
AGP for Respondent/State : Mr. G.K. Naik Thigale
Advocate for Respondent no.2 : Mr. Patil Pravin S.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.**Dated: March 18, 2015**

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PER COURT :-

Heard.

2. Perused the order passed by the Sub-Divisional Officer, Nandurbar and also Respondent no.2 – Committee. Upon perusal of the order passed by the Sub-Divisional Officer, Nandurbar, it appears that, the same is not passed keeping in view the judgment of the Full Bench of this Court in the case of **Shilpa Vishnu Thakur V/s State of Maharashtra and others**¹ and the judgment of the Division Bench of this Court in Writ Petition No. 2386/2014. Upon perusal of the impugned order, it appears that, by cryptic reasons which are unsustainable in law, the Sub-Divisional Officer has refused to grant certificate and on this ground

¹ 2009(5) AIR Bom. R 478

alone the Petition deserves to be allowed.

3. In the result, the impugned order dated 03.08.2011 passed by the Sub-Divisional Officer is set aside. Consequently, the order dated 30.06.2013 passed by the Respondent No.2 - Committee also stands quashed and set aside. We direct the Sub-Divisional Officer to consider the prayer of the petitioner afresh, in the light of the aforementioned judgments of this Court and take appropriate decision within three months from today.

4. The Petition stands disposed of accordingly.

(**P.R. BORA, J.**)

(**S.S. SHINDE, J.**)

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sga/-