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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6737 OF 2015**

Shri Ravindra Vitthal Adhatrao

Petitioner

Vs.

The State of Maharashtra and Ors.

Respondents

Mr. Ajay A. Joshi, for the Petitioner.

Mr. V.S. Gokhale, AGP, for the Respondents.

**CORAM: A.S. OKA &
 REVATI MOHITE DERE, JJ.**

DATE : 14th JULY, 2015

P.C.:-

Not on board. Taken on board.

. Heard the learned counsel appearing for the Petitioner and the learned AGP for the Respondents. Forthwith taken up for final disposal.

2. The Petitioner made an application for grant of caste certificate by invoking the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000. According to the case of the Petitioner, the Competent Authority

appointed under the said Act to issue caste certificate for the relevant area is the Sub-Divisional Officer, Pandharpur.

3. By the impugned communication, the Tahasildar, Pandharpur informed the Petitioner that unless documents as stated in the said communication are produced within the period of 15 days, the application made by the Petitioner shall be treated as filed.

4. The Competent Authority empowered to grant caste certificate as per Section 4 of the said Act is the Sub-Divisional Officer, Pandharpur. It is for the Sub-Divisional Officer, Pandharpur to decide the application for grant of caste certificate on merits after considering the evidence and material produced by the Petitioner. The Tahasildar has no jurisdiction to direct that unless the relevant documents are produced, the Application will be filed. He ought to have placed the Application before the Sub-Divisional Officer, Pandharpur. Therefore, we dispose of the Petition by passing the following order :-

ORDER

(i) The impugned communication dated 30th June, 2015 is hereby set aside;

(ii) We direct the Tahasildar, Pandharpur to forward the application made by the Petitioner for grant of caste

certificate in the category of Koli Mahadeo (ST- 29) to the Sub-Divisional Officer, Pandharpur within a period of two weeks from the date on which an authenticated copy of this order is produced by the Petitioner before the Tahasildar, Pandharpur;

(iii)The Sub-Divisional Officer, Pandharpur, on receipt of the application, shall decide the same in accordance with law within a period of three months from the date on which the application is received;

(iv)We make it clear that even if the Tahasildar has treated the file as closed as per the impugned communication, the application made by the Petitioner shall be treated as pending and shall be forwarded in terms of this order to the Sub-Divisional Officer;

(v)The Petition is disposed of on above terms;

(vi)All concerned to act upon the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

(A.S. OKA, J.)