

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**WRIT PETITION NO.2370 OF 2016**

- 1) Vivekanand s/o Pandurang Akoskar,  
Age-22 years, Occu:Student,  
R/o-Kolewadi, Tq. & Dist-Osmanabad,
- 2) Sadanand s/o Pandurang Akoskar,  
Age-27 years, Occu:Student,  
R/o-Kolewadi, Tq. & Dist-Osmanabad.

**...PETITIONERS**

**VERSUS**

- 1) The State of Maharashtra,  
Through it's Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai-32,
- 2) The Sub-Divisional Officer,  
Osmanabad, Tq. & Dist-Osmanabad,
- 3) The Scheduled Tribe Certificate  
Scrutiny Committee, Aurangabad Division,  
Aurangabad, Through its Member Secretary,
- 4) The Superintendent of Police,  
(S.P. Office), Latur, Dist-Latur,
- 5) The Police Commissioner,  
Commissioner Office, Pune City,  
Tq. & Dist-Pune.

**...RESPONDENTS**

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Mr.Pratap V. Jadhavar Advocate for Petitioners.  
Mr.S.B. Pulkundwar, A.G.P. for Respondent  
Nos. 1 to 5.

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**CORAM: R.M. BORDE AND  
A.I.S. CHEEMA, JJ.**

**DATE : 1ST MARCH, 2016**

**ORAL JUDGMENT [PER R.M. BORDE, J.] :**

1. Heard. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, the Petition is taken up for final disposal at admissions stage.

2. The Petitioners are objecting to the decision of the Sub Divisional Officer dated 31st March 2012 and 16th December 2013, refusing to issue caste certificates in favour of the Petitioners. The Petitioners contend that appeals are tendered, challenging the decision of the Sub Divisional Officer, however the same are not yet decided.

3. The Petitioners claim to belong to "Koli Mahadev", Scheduled Tribe. In identical circumstances, the request of real brother of the Petitioners for issuance of caste certificate was turned down by the Sub Divisional Officer and the brother was required to approach the Scrutiny Committee by way of an appeal. The Scrutiny Committee decided appeal on 7th July 2011 and directed the Sub Divisional Officer to issue caste certificate in favour of real brother of the Petitioners.

4. In the circumstances, since the Scrutiny Committee has directed issuance of caste certificate in favour of real brother of the Petitioners, it is difficult to understand as to why the Sub Divisional Officer shall not issue caste certificates to the Petitioners. Apart from this, there are sufficient documents placed on record to substantiate the claim of the

Petitioners.

5. In this view of the matter, we quash the orders passed by the Sub Divisional Officer on 31st March 2012 and 16th December 2013 refusing to issue caste certificates, and direct the Sub Divisional Officer, Osmanabad to issue caste certificates in favour of the Petitioners, forthwith, by 3rd March 2016, to facilitate the Petitioners to tender applications for employment in police department.

6. In view of the order passed in the instant Petition, the appeals presented by the Petitioners to the Scrutiny Committee are rendered infructuous and stand disposed of.

7. Rule is accordingly made absolute in above terms. There shall be no order as to costs.

**[A.I.S. CHEEMA, J.]**

asb/MAR16

**[R.M. BORDE, J.]**