

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4083 OF 2016

Vaishali Chandrakant Adhatrao ...Petitioner

WITH
WRIT PETITION NO.4723 OF 2016

Varsha Chandrakant Adhatrao ...Petitioner

WITH
WRIT PETITION NO.4724 OF 2016

Aishwarya Vibhav Adhatrao and Anr. ...Petitioner

WITH
WRIT PETITION NO.4309 OF 2016

Bharti Jaiprakash Parchandrao ...Petitioner

vs.

The State of Maharashtra and Others ...Respondents

Mr. Anandsingh B. i/b. Mr. J.G. Reddy, for the Petitioners
Mr. V.P. Malvankar, AGP for the Respondent-State.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : AUGUST 02, 2017

P.C.:

. Not on board. Upon mentioning taken on board.

2. With the consent of the parties, the Petitions are heard finally and disposed of.

3. Feeling aggrieved by the order dated 29th May, 2015 (Exhibit 'C') passed by the Sub Divisional Officer, Pandharpur whereby the Petitioners have been denied the issuance of caste certificate, the Petitioners have filed these Petitions. By the impugned order, the Petitioners' caste claim has been rejected on the ground of area restriction.

4. The learned counsel for the Petitioners submit that in view of the law laid down by the Supreme Court in the case of **Jaywant Dilip Pawar vs. State of Maharashtra & Ors.¹ decided on 8th March, 2017** the impugned order is not sustainable. He also submits that in view of the order passed by the Division Bench of this Court in the case of **Archana Chandrakant Jamdar vs. State of Maharashtra², decided on 8th February, 2016** the impugned order of the Sub Divisional Officer is not sustainable as the Division Bench held that while issuing the caste certificate, the concerned authority is required only to consider *prima facie* evidence and no in depth inquiry is required to be conducted. It has been observed that in the said case that in depth inquiry in respect of caste claim is contemplated only at the stage of issuance of caste validity certificate by the Scrutiny Committee.

1 Civil Appeal No. 2336 of 2011

2 Writ Petition No. 1521 of 2016

5. In the circumstances, he submits that the impugned order is liable to be set aside.

6. Having considered the submissions made by the learned counsel for the parties and having gone through the law laid down by the Supreme Court in the case of **Jaywant Pawar** and by the Division Bench of this Court in the case of **Archana Jamdar** (supra), we are of the view that the impugned order cannot be sustainable.

7. As a result we set aside the impugned order and direct the Sub Divisional Officer to issue the requisite caste certificate to the Petitioners as expeditiously as possible preferably within one month from the date of receipt of copy of this order.

8. With the aforesaid direction, the Petitions are disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)