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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4094 OF 2017

Shri Mukund Balkrishan Parchande ... Petitioner

Versus

State of Maharashtra and Ors. ... Respondents

Mr. S.S. Raut for the petitioner.

Mr. C.P. Yadav, AGP for the respondent State.

**CORAM : SHANTANU KEMKAR &
B.P. COLABAWALLA, JJ.
DATED : APRIL 11, 2017.**

P.C.

Feeling aggrieved by the order dated 23rd November, 2016 (Exhibit-F) passed by respondent no.3 – Sub Divisional Officer, Pandharpur Division, Pandharpur refusing petitioner's application for grant of caste certificate in regard to he being “Koli Mahadeo” on the ground that the petitioner did not submit any evidence in support of his claim, the petitioner filed this petition.

2. Learned counsel for the petitioner submits that the petitioner was already holding a caste certificate to the effect that he belongs to “Mahadeo Koli”. In the circumstances, according to him in view of the law laid down by this Court at Aurangabad Bench in the case of Balu Eknath Thombare V/s. State of Maharashtra & Ors.¹ the Authority was not

¹ W.P.8738 of 2015 dated 26th August, 2015

competent to insist the petitioner for submitting any other evidence in support of his claim as the petitioner had already having the certificate that he belongs to “Mahadev Koli” (Schedule Tribes).

3. Having considered the submissions made by the learned counsel for the parties and having gone through the judgment of the Division Bench as also the impugned order and the Caste Certificate Exhibit-A which the petitioner has already held in, we are of the view that the question involved in this petition is squarely covered by a decision of the Division Bench of this Court in the case of Balu Eknath Thombare (Supra) and therefore the insistence of the said Authority for production of other evidence is unwarranted.

4. In the circumstances, we set aside the impugned order passed by the Sub-Divisional Officer, Pandharpur rejecting the petitioner's request to issue caste certificate and remit the matter to the respondent no.3 to decide the petitioner's claim afresh keeping in view the observations made in the judgment passed by the Division Bench in the case of Balu Eknath Thombare (Supra) and issue the certificate as per his entitlement. Let this be done within six weeks from the date of receipt of copy of this order.

5. With the aforesaid directions, the petition is disposed of.

(B.P. COLABAWALLA, J.)

(SHANTANU KEMKAR, J.)