

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 12391 OF 2015**

Santoshi Suresh Jorkar

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

Mr. C.K. Bhangoji for the petitioner.

Mr. Advait Sethna a/w Mr. D.P. Singh for R. No. 1.

Mr. V.P. Malvankar, AGP for Respondent State.

**CORAM : SHANTANU KEMKAR &
M.S. SONAK, JJ.
JULY 19, 2017**

P.C.:

Feeling aggrieved by the order dated 29th July, 2015 (Exhibit-D) passed by respondent no.2 – Sub Divisional Officer, Pune City refusing petitioner's application for grant of caste certificate in regard to she being “Koli Mahadeo” on the ground that the petitioner did not submit any evidence in support of her 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 she 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

1 WP 8738 of 2015 dated 26th August, 2015

not competent to insist the petitioner for submitting any other evidence in support of her claim as the petitioner had already having the certificate that she 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-D 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, Pune City rejecting the petitioner's request to issue caste certificate and remit the matter to the respondent no.5 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 Thombre (Supra) and issue the certificate as per her 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.

6. Interim order passed earlier shall continue till the matter is finally decided by the Sub Divisional Officer.

(M.S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)