

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4524 OF 2018

Shri. Madhukar Nathuram Kotkar	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

**WITH
WRIT PETITION NO.4556 OF 2018**

Shri. Avinash Janardan Nilee	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

**WITH
WRIT PETITION NO.4525 OF 2018**

Shri. Harish Balkrishna Anaji	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

**WITH
WRIT PETITION NO.4526 OF 2018**

Shri. Kalpesh Gajanan Gite	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

**WITH
WRIT PETITION NO.4527 OF 2018**

Kum. Swarada Gajanan Gite	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

**WITH
WRIT PETITION NO.4528 OF 2018**

Shri. Hemant Nathuram Kotkar	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

WITH
WRIT PETITION NO.4529 OF 2018

Shri. Pritam Gajanan Gite	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

WITH
WRIT PETITION NO.4530 OF 2018

Shri. Rajesh Naturam Karbhari	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

Mr. Kamalakar L. Koli, Advocate for the Petitioner in all Writ Petitions.

Ms. S. D. Vyas, "B" Panel Counsel for Respondent Nos.1 to 4 – State in all Writ Petitions.

**CORAM : B. R. GAVAI &
DAMA SESHADRI NAIDU, JJ.
DATE : 18th MARCH, 2019**

P.C.

1] Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2] The Petitioners by way of present Petitions challenge the order dated 26th May 2017, vide which the Respondent No.4 has

rejected the application of the Petitioners certifying that the Petitioners belong to “Mahadev Koli” Scheduled Tribe.

3] The impugned order is liable to be quashed on the short ground of lack of jurisdiction. Under 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, the competent authority for issuance of certificate is Respondent No.3 – The Sub Divisional Officer. As such, Respondent No.4 is subordinate to Respondent No.3, could not have passed the said order. Apart from that it appears from the record that the Respondent No.4 has not given an opportunity of being heard to the Petitioners.

4] In that view of the mater, on that ground the Writ Petitions deserve to be rejected. The impugned order is therefore quashed and set aside. The matter is remitted to Respondent No.3 for considering the claim of the Petitioners in accordance with law.

5] Needless to state that the Petitioners shall be granted

sufficient opportunity of being heard by the Respondent No.3 before deciding the matter. The application for issuance of Caste Certificate shall be decided within a period of two months from the Petitioners' presenting the same before the Respondent No.3.

6] Rule is therefore made absolute in the aforesaid terms, with no orders as to costs.

[DAMA SESHADRI NAIDU, J.]

[B. R. GAVAI, J.]