

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION St.NO.12530 OF 2020

Shravan Vilas Zadpide,
Age Minor, Occ. Education,
Under Guarding of his father
Vilas Vasant Rao Zadpide,
Age: 44 years, occu: Pujari
R/o Tuljapur, Tq. Tuljapur
Dist. Osmanabad

Petitioner

versus

- 1 The State of Maharashtra
through its Secretary,
Tribal Department,
Mantralaya, Mumbai 32
- 2 The Sub-Divisional Officer,
Osmanabad Dist. Osmanabad
- 3 The Scheduled Caste Vimukta Jati
Nomadic Tribe, Other Backward
Class, Special Backward Class,
(District Caste Scrutiny Committee)
Osmanabad, through it's
Member Secretary

Respondents

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WRIT PETITION ST. NO.12531 OF 2020

Sakshi Vilas Zadpide,
Age: 19 years, occu: Education
R/o Tuljapur, Tq. Tuljapur
Dist. Osmanabad

Petitioner

versus

- 1 The State of Maharashtra
through its Secretary,
Tribal Department,
Mantralaya, Mumbai 32

- 2 The Sub-Divisional Officer,
Osmanabad Dist. Osmanabad
- 3 The Scheduled Caste Vimukta Jati
Nomadic Tribe, Other Backward
Class, Special Backward Class,
(District Caste Scrutiny Committee)
Osmanabad, through it's
Member Secretary Respondents

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Mr. A.V. Indrale Patil h/f Mr. A.N. Gaddime advocate for the
petitioners

Mr. K.D. Munde, Mrs. D.S. Jape, AGPs for State.

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**CORAM: S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ**

Date: JULY 30TH, 2020

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ORAL JUDGMENT

(Per: S.V. Gangapurwala, J)

- 1 Rule. Rule made returnable forth-with.
- 2 Heard learned counsel for the petitioners and the learned
AGPs.
- 3 Learned advocate for the petitioners submits that initial
applications of the petitioners for issuance of caste certificate of
Bhope (NT) were rejected by the Sub Divisional Officer (SDO).
The petitioners preferred appeal before the Scrutiny Committee.
The Scrutiny committee allowed the appeal of the petitioners and
directed issuance of caste certificate to the petitioners. The SDO,

thereafter rejected the application of the petitioners on the ground that sufficient documentary evidence is not produced on record.

3 We have perused the order passed by the Scrutiny Committee. The Scrutiny Committee, in appeal, has set aside the Judgment of the SDO and directed issuance of caste certificate to the petitioners. Once the appeal is allowed by the scrutiny committee i.e. the appellate authority, the SDO does not have any jurisdiction to sit over the Judgment of the appellate authority and deny issuance of caste certificate to the petitioners.

The appellate authority has considered the evidence produced by the petitioners on record and also the factum of the caste certificate issued in favour his near relative i.e. the real brother.

4 In the light of above, the impugned orders are quashed and set aside. The SDO shall issue caste certificate to the petitioners of Bhope (NT) caste immediately.

5 Rule is accordingly made absolute.

(SHRIKANT D. KULKARNI, J) (S. V. GANGAPURWALA, J.)