

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

WRIT PETITION NO.958 OF 2020

Sangita Namdev Chive ..Petitioner
Versus
State of Maharashtra and Ors. ...Respondents

Mr. C. K . Bhangoji a/w Mr. V. A. Madane, for the Petitioner.

Ms. P. J. Gavhane, AGP for Respondent Nos.1 to 3.

Mr. B. V. Salunkhe, for Respondent No.4.

***CORAM: R. D. DHANUKA AND
R. N. LADDHA, JJ.***

DATE : 10th DECEMBER, 2021

P.C. :

1. Heard.

2. Rule. Learned AGP waives service on behalf of respondent Nos. 1 to 3. Mr. Salunkhe, waives service on behalf of respondent No.4. By consent of the parties, the writ petition is heard finally.

3. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ of certiorari for quashing and setting aside

the impugned order dated 10th May 2019 passed by the respondent No.2 – Competent Authority refusing to grant cast certificate.

4. The petitioner was issued caste certificate by the Tahsildar and Executive Magistrate, Purandhar, Pune, on 6th August 1992 as 'Hindu-Mahadev Koli'. The Scrutiny Committee thereafter passed an order on 24th October 2018, refusing to determine the caste claim proposal made by the petitioner for verification of the caste certificate whether the petitioner belongs to the caste Koli Mahadev.

5. The petitioner was directed to return the correct caste certificate as Koli Mahadev instead of Mahadev Koli. It is submitted by the learned counsel for the petitioner that the competent authority, however, refused to issue corrected copy of the caste certificate stating that the petitioner belongs to caste Koli Mahadev.

6. Our attention is invited to the Judgment and Order dated 26th August 2015, passed by the Division Bench of this Court at Aurangabad Bench, in ***Writ Petition No. 8738 of 2015 filed by Balu Eknath Thombre***

v/s The State of Maharashtra and Others, thereby setting aside the similar order passed by Sub-Divisional Officer rejecting the request of the petitioner therein, to issue caste certificate.

7. The judgment delivered by this Court in case of **Balu Eknath Thombre (supra)** would apply to the facts of this case.

8. We, accordingly, direct the competent authority to issue caste certificate in the name of the petitioner stating that the petitioner belongs to caste Koli Mahadev, within four weeks from today.

9. It is made clear that upon receipt of such caste certificate by the petitioner from the competent authority, the petitioner can apply for validation of the caste claim before the Scrutiny Committee. If any such claim is made, the Scrutiny Committee shall decide the said claim of the petitioner expeditiously, in accordance with law.

10. In view of the directions issued by us in the earlier paragraphs of this order, we direct the respondent No.4 not to take coercive steps

against the petitioner, till an order is passed by the respondent No.3 – Scrutiny Committee, on the caste validation claim that would be made by the petitioner after obtaining the caste certificate from the competent authority.

11. Writ Petition is allowed in the aforesaid terms. Rule is made absolute accordingly.

12. Parties to act on the authenticated copy of this order.

[R. N. LADDHA, J.]

[R. D. DHANUKA, J.]