

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

WRIT PETITION NO.6654 OF 2022

Banaji Dhondiba Bolkote

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. C. K. Bhangoji for the Petitioner
Mrs. M. P. Thakur, AGP for the State

**CORAM: S.V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : JUNE 22, 2022

P.C.

1 Rule.

Rule is made returnable forthwith. By consent of the parties, taken up for final disposal.

2 The Petitioner claims to have been issued with a Caste Certificate of Mahadev Koli, Scheduled Tribe on 24th September 1979, however, with an incorrect spelling. The Petitioner applied for a fresh caste certificate with correct spelling. The Sub Divisional Officer rejected the said Application. The Petitioner filed an Appeal. The Appeal is also dismissed.

3 When the Petitioner is already issued with a Caste Certificate in the year 1979, it was not necessary for the Sub Divisional Officer or the Appellate Authority to consider the matter on merit. The Petitioner was only seeking a Caste Certificate with a correct nomenclature of the caste. The Sub Divisional Officer was required to confirm about issuance of the caste certificate with incorrect spelling by the concerned Executive Magistrate and if satisfied that the Petitioner was issued with a caste certificate by the Executive Magistrate, ought to have issued a caste certificate with a correct spelling.

4 In the light of that, the impugned orders are quashed and set aside.

5 The Sub Divisional Officer shall consider issuance of a caste certificate produced by the Petitioner and if satisfied that the said caste certificate was issued by the Executive Magistrate at the relevant time, he shall issue a caste certificate to the Petitioner with correct spelling.

6 The Petitioner shall get attested copy of the caste certificate from the Scrutiny Committee and produce before the Sub Divisional Officer.

7 The Scrutiny Committee shall, upon Application of the Petitioner, issue attested copy of the caste certificate, preferably within two weeks from the date of Application.

8 On production of the attested copy of the caste certificate, the Sub Divisional Officer shall issue a caste certificate with correct spelling, expeditiously and preferably within three months, of course, upon verification of the earlier caste certificate issued by the Executive Magistrate.

9 Rule is accordingly made absolute in the above terms.

10 The Writ Petition is disposed of. No costs.

(S. M. MODAK,J.)

(S.V. GANGAPURWALA, J.)