

BIPIN
DHARMENDER
PRITHIANI

Digitally signed
by BIPIN
DHARMENDER
PRITHIANI
Date: 2022.09.17
15:31:43 +0530

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

WRIT PETITION NO. 10739 OF 2022

Shubham Shivaji Koli ... Petitioner
Versus
State of Maharashtra and Anr. ... Respondents

Mr. C. K. Bhangoji for the Petitioner.
Mrs. S. S. Bhende, AGP for the State.

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.
DATE : 16th SEPTEMBER, 2022**

P.C. :-

. Rule. Rule is made returnable forthwith. With consent of parties, matter is taken up finally.

2. We have heard the learned counsel for the petitioner and the learned AGP.

3. The petitioner had applied for issuance of caste certificate as belonging to Koli-Mahadev Schedule Tribe. The application was rejected. The petitioner filed the appeal before the Scrutiny Committee. The Scrutiny Committee allowed the appeal, directed the Sub-Division Officer (SDO) to verify the caste certificate issued to the father of the petitioner and thereafter issue caste certificate to the petitioner. The petitioner approached the SDO. The SDO rejected the application of the petitioner on the ground that documents prior to 1950 are not produced.

4. The SDO while passing the impugned order has exceeded his authority. He could not have sat over the Judgment of Scrutiny Committee i.e. the Appellate Authority.

5. It would appear that the father of the petitioner is issued with the caste certificate of Koli-Mahadev Schedule Tribe. The said fact is also verified by the SDO. The paternal uncle of the petitioner is also issued the caste certificate of Koli-Mahadev Schedule Tribe. The Appellate Authority viz. the Scrutiny Committee has specifically directed that after verifying that the caste certificate is issued to the paternal relative, shall issue the caste certificate to the petitioner.

6. The impugned order passed by the SDO is illegal and infact amounts to insubordination.

7. The impugned order is quashed and set aside. The concerned SDO shall issue caste certificate to the petitioner of Koli-Mahadev Schedule Tribe, within 15 days. The said caste certificate naturally will have to undergo the scrutiny before the committee while getting the validity certificate.

8. Writ Petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]