

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

WRIT PETITION NO. 10689 OF 2022

Suraj Bajrang Koli

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. C. K. Bhangoji for the Petitioner

Mr. S. B. Kalel, AGP for the State

**CORAM: S.V.GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : SEPTEMBER 15, 2022

P.C.

1 Rule.

Rule is made returnable forthwith.

By consent of the parties, taken up for final disposal.

2 The Petitioner has applied for issuance of caste certificate as belonging to Koli Mahadev, Scheduled Tribe. The Sub Divisional Officer has rejected the Application. The Petitioner filed an appeal before the Scrutiny Committee. The Scrutiny Committee set aside the judgment of the Sub Divisional Officer and directed to consider the caste certificate issued to the paternal relatives and thereafter issue a certificate within 15 days.

3 The Sub Divisional Officer, again rejected the Application of the Petitioner, basically, on the ground that the Petitioner failed to produce the documents demonstrating his caste as Koli Mahadev prior to 1950.

4 We have heard the learned Counsel for the Petitioner and the learned AGP.

5 The Sub Divisional Officer, while passing the impugned order has sat over the judgment of the Scrutiny Committee. The Sub Divisional Officer is bound by the judgment of the Scrutiny Committee. The father of the Petitioner is issued with caste certificate of Koli Mahadev, Scheduled Tribe. The paternal Uncle of the Petitioner was also issued with the caste certificate of Koli Mahadev, Scheduled Tribe. The Sub Divisional Officer has only to verify the case of issuance of caste certificate from his office as per the judgment of the Appellate Authority. The Sub Divisional Officer confirms the issuance of caste certificate to the father of the Petitioner and the paternal Uncle of the Petitioner.

6 In light of the above, it was not within the power of the Sub Divisional Officer to again reject the Application of the Petitioner.

7 The impugned order is quashed and set aside.

8 The Sub Divisional Officer shall issue caste certificate to the Petitioner within 15 days from today.

9 The said caste certificate will have to undergo the acid test during its validation proceedings.

10 Rule is made absolute in the aforesaid terms.

11 The Writ Petition is disposed of. No costs.

(R.N. LADDHA,J.)

(S.V. GANGAPURWALA, J.)