

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9417 OF 2021

Appasaheb Bhimrao Koli	]	
Residing at Hiwtad, Tal. Aatpadi,	]	
Dist. Sangli.	]	... Petitioner

Versus

1.	State Of Maharashtra	]	
	Through its Secretary, Tribunal	]	
	Development Department,	]	
	Mantralaya, Mumbai – 400032.	]	
2.	Sub Divisional Officer,	]	
	Vita Sub Division, Vita	]	
	Dist. Sangli.	]	
3.	Scheduled Tribe Certificate	]	
	Scrutiny Committee, Pune,	]	
	Through its Member Secretary,	]	
	having its office at 5 th floor,	]	
	Kapil Towers, Opp. RTO Office,	]	
	Pune, Dist. Pune	]	... Respondents

Mr. Chintamani Kamalakar Bhangoji for Petitioner.
 Ms. Kavita N. Solunke, A.G.P. for Respondents-State.
 Mr. Santosh Bhor, S.D.O., Vita Pune is present.

**CORAM : R. D. DHANUKA &
S. M. MODAK, JJ.**

**DATE : 1st FEBRUARY 2022.
(Through Video Conference)**

ORAL JUDGMENT (PER : R.D. DHANUKA, J.) :-

1. Rule.
2. Learned A.G.P waives service for the Respondents-State. Respondent No.2 is also present online. By the consent of learned counsel for the parties, Petition is heard finally.
3. By this Petition filed under Article 226 of the Constitution of India, the Petitioner seeks writ of mandamus thereby directing the Respondent No.2 to forthwith issue caste certificate in favour of son of the Petitioner as belonging to Koli Mahadev, Scheduled Tribe, in pursuance to the Order dated 20th January 2020 passed by the Respondent No.3 Committee being Appellate Authority.
4. The Petitioner had applied to the Respondent No.2 on 27th July 2016 for grant of caste certificate as belonging to Koli Mahadev, Scheduled Tribe in favour of his son, namely, Aditya. The Respondent No.2 passed an Order on 29th April 2017 rejecting the said application of the Petitioner for grant of caste certificate. The Petitioner filed an appeal bearing Appeal No. 19 of 2017 before the Respondent No.3 Committee. By an Order dated 20th January 2020, the Respondent No.3 allowed the said appeal filed by the Petitioner and directed the Respondent No.2 to issue caste certificate in favour of the son of the Petitioner as belonging to Koli Mahadev, Scheduled Tribe.

5. Several reminders were sent by the Petitioner to the Respondent No.2 for compliance of the Order passed by the Respondent No.3.

6. Ms.Solunke, learned A.G.P, on instructions from the Respondent No.2, who is present online, states that, the Order passed by the Respondent No.3 was ex-parte and was passed without considering the documents and thus the said Order was not complied with by the Respondent No.2.

7. In our view the stand taken by the Respondent No.2 is totally perverse and in breach of the Order passed by the Appellate Authority. The Respondent No.2 can not refuse to comply with the Order passed by the Respondent No.3-Appellate Authority on the ground that the said Order is passed ex-parte or without considering the documents.

8. We accordingly pass the following Order :-

- (a) Writ Petition is allowed in terms of prayer Clause (a).
- (b) Respondent No.2 is directed to issue caste certificate in favour of son of the Petitioner as belonging to Koli Mahadev, Scheduled Tribe within one week from the date of communication of this Order without fail.
- (c) We make it clear that, if the Order dated 20th January 2020 passed by the Respondent No.3-Appellate Authority and also the present Order passed by this Court is not complied with by the Respondent No.2, this Court will adopt appropriate action

under the provisions of the Contempt of Courts Act, 1971
against the Respondent No.2.

- (d) Rule is made absolute.
- (e) No Order as to costs.
- (f) Place the matter on board for 'Reporting Compliance' on 10th
February 2022.

[S. M. MODAK, J.]

[R. D. DHANUKA, J.]

OMKAR
SHIVAHAR
KUMBHAKARN

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