

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4490 OF 2022

Shlok s/o Reena Nagrale
Aged 13 years, Occu: Student
Minor hence through his natural
Guardian mother Reena Ganesh
Nagrale
Aged 39 years, Occu: Service,
R/o C/o Ganesh Nagrale,
Darban Society, Samta Nagar,
Bhадrawati, Tah. Bhадrawati,
Dist. Chandrapur.

..... **PETITIONER**

...V E R S U S...

1. The State of Maharashtra, through its
Secretary, Social Justice and Special
Assistant Department, Mantralaya,
Mumbai.
2. The State of Maharashtra through its
Sub-Divisional Officer, Warora,
Dist. Chandrapur.

..... **RESPONDENTS**

Mr. A. A. Dhawas, Advocate for Petitioner.
Mr. M. K. Pathan, AGP for Respondents 1 & 2/State.

CORAM: **ROHIT B. DEO AND G. A. SANAP, JJ.**
DATE: **25th JANUARY, 2023.**

ORAL JUDGMENT: (PER ROHIT B. DEO, J.)

Heard Mr. A. A. Dhawas, the learned counsel for the
petitioner and Mr. M. K. Pathan, the learned Assistant Government

Pleader for the respondents 1 and 2/State.

2. The grievance in the petition is that the respondent 2 – Sub-Divisional Officer refused to issue caste certificate in the name of the single parent (mother). Reliance is placed, *inter alia* on the decision of the Hon'ble Apex Court in ***Rameshbhai Dabhai Naika v. State of Gujarat and others (2012) 3 SCC 400.***

3. We have perused the affidavit in response dated 15.12.2022 filed by the Sub-Divisional Officer. Paragraph 7 of the affidavit may be extracted thus:

7. The answering respondent humbly submits that from the record submitted in the present petition which shows that the Petitioner's mother Reena Nagrale belongs to the 'Mahar' community and the Petitioner's father Bhimsen Sadhu Pazare is also belongs to 'Mahar' caste which is recognized as Scheduled Caste Category and therefore the answering respondent is ready to consider the question of issuing caste certificate to the Petitioner as the father of the Petitioner is also from the 'Mahar' Scheduled Caste Category. The answering respondent is therefore ready to verify the original record if the same is also submitted with the answering respondent by the Petitioner after making necessary fresh enquiry as required.

4. In view of the fair response of the Sub-Divisional Officer, we allow the petition and quash the order impugned dated 14.02.2022 passed by respondent 2 – Sub-Divisional Officer, Warora and remit the matter to the said authority for passing fresh order in accordance with law, and in view of the stand in the affidavit in response referred to *supra*.

5. We expect the respondent 2 to pass a fresh order after hearing the petitioner as expeditiously as possible and in any event within thirty days from the date of appearance of the petitioner. The petitioner shall appear before the respondent 2 – Sub-Divisional Officer, Warora on 30.01.2023.

6. The petition is partly allowed.

(G. A. SANAP, J.)

(ROHIT B. DEO, J.)

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