

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

Writ Petition No. 8327 of 2022

[Tejas Rupesh Khedkar ..vs.. The Scheduled Tribes Caste Certificate Scrutiny Committee, through its Member Secretary, Amravati and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. R. Parsodkar, Advocate for the petitioner
Mrs. K. R. Deshpande, A. G. P for the State/respondents 1 and 2

**CORAM : ROHIT B. DEO AND
Y. G. KHOBRAGADE, JJ.**

DATED : 12-1-2023

The Sub Divisional Officer, Daryapur refused to issue the caste certificate in favour of the petitioner reasoning that Mahadeo Koli is a separate Tribe which has no nexus with Koli or its sub-tribe.

2. The petitioner preferred appeal which the caste scrutiny committee rejected vide order dated 18-8-2022.

3. Our attention is invited to the view taken by the Coordinate Bench in Writ Petition 8829/2021 (*Dhanshree Ravindra Koli and ors. Vs. The State of Maharashtra and ors.*) that the claim must receive only a *prima facie* consideration by the revenue officer and the validity of the certificate shall have to be ultimately adjudicated by the scrutiny committee thereafter. While issuing notice vide order dated 22-12-2022, we noted the order of the

Coordinate Bench and directed the Government Pleader to bring the order of the Coordinate Bench to the notice of the scrutiny committee to enable the committee to adjudicate similar matters on the lines of the view taken by the Coordinate Bench.

4. Be that as it may, it is fairly not disputed by learned Assistant Government Pleader, Mrs. Deshpande that the matter will have go back to respondent 2 for issuance of caste certificate.

5. We direct respondent 2 to issue the caste certificate which shall be subject to validation by the caste scrutiny committee.

6. We clarify that the caste scrutiny committee shall not be influenced by any observation either in the order of the Coordinate Bench or this order and shall consider the claim of the petitioner independently and on its own merits.

7. The petition is disposed of.

(Y. G. Khobragade, J.)

(Rohit B. Deo, J.)

Digitally signed by AVINASH
YUVRAJ WASNIK
Signing Date: 13.01.2023 10:24