



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9149 OF 2024

**RUDRA KRISHNA NEMMANIWAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

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Advocate for Petitioner : Mr. Bondar Uttam Bajirao.
AGP for Respondents/State : Mr. V.M. Jaware

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 26 AUGUST 2024

ORDER (per Shailesh P. Brahme J.) :

. Heard both the sides finally.

2. The petitioner is aggrieved by the order passed by the respondent no.3/Sub Divisional Officer dated 01.12.2022 and order passed by the respondent no.2/Committee on 08.05.2023 confirming the order of respondent no.3.

3. Petitioner's application seeking caste certificate is rejected by the trial authority and the same is confirmed by the lower appellate authority. Alongwith the application, the validity certificates of the petitioner's father and real uncles were pressed into service. Both the authorities have discarded the clinching evidence in the form of validities referred to herein above. This approach is clearly in conflict

with the law laid down by the High Court in the matter of **Anand Dhananjay Nalawade Vs. State of Maharashtra and Others**. This type of inquiry is not contemplated at the stage of issuance of caste/tribe certificate.

4. The reasons assigned by the lower appellate authority for discarding the validity certificate by observing that there was suppression of earlier invalidation of grandfather of the petitioner – Venkatrao, is clearly perverse and without jurisdiction. There is cogent material to issue caste certificate. Both the orders are unsustainable and we, therefore, pass following order :

ORDER

(a) Order passed by the respondent no.3 dated 01.12.2022 and order passed by the respondent no.2/lower appellate authority dated 08.05.2023 are quashed and set aside.

(b) The respondent no.3/Sub Divisional Officer shall issue caste certificate to the petitioner forthwith.

(c) With this, the writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]