

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

Writ Petition No. 9404 of 2024

Prachi Ghanshyam Patil and others ... Petitioners.

V/s.

State of Maharashtra and others ... Respondents.

Mr. R.K. Mendadkar for the Petitioners.

Mr. V.M. Mali, AGP for the Respondents – State.

**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 10 July 2024.

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Heard learned counsel for the parties.

2. The Petitioners, students aged 17, 17 and 16 through their grand father/uncle have approached this Court on the 3rd occasion for issuance of caste certificate. The Petitioners have given the history of the litigation and have also annexed the orders passed by the Scrutiny Committee and the orders passed by this Court. These orders were culminated by the order passed by the Scrutiny Committee on 28 March 2024 whereby appeal was allowed and the earlier orders of the Scrutiny Committee were withdrawn. The appeal was filed against order of refusal to issue caste certificate to the Petitioners. Once the appeal was allowed and the matter has come back to the Sub Divisional Officer – Competent Authority. The

Petitioners are again before us since the Sub Divisional Officer has asked them to appeal again. The learned counsel for the Petitioners is rightly contending that this is nothing but harassment. Once the appeal against rejection of caste certificate was allowed, the Sub Divisional Officer will have to issue the caste certificate. Even otherwise there is a distinction between caste certificate and the caste validity certificate and the caste certificate is always open to scrutiny. Further more, the fact that father of Petitioner Nos.2 and 3 HemantKumar Patil who is paternal uncle of Prachi is granted validity certificate. The backdrop of the litigation and the fact that HemantKumar Patil has already been issued validity certificate, the Sub Divisional Officer ought not to have directed them to appeal again.

3. Therefore, we dispose of the petition by directing Respondent No.3 to implement the orders passed by the Scrutiny Committee dated 29 June 2022 and 28 March 2024 and issue necessary certificate to the Petitioners within a period of two weeks.

4. We make it clear that the caste certificate will be subjected to scrutiny and when it will come for scrutiny, the scrutiny will be conducted on its own merits.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)