

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11086 OF 2025

Shrikant Devidas Charke

... Petitioner

Versus

State Of Maharashtra & Ors.

... Respondents

Mr. Chintamani K. Bhangoji for the Petitioner.

Mr. V.M. Mali, A.G.P. for the Respondent Nos.1 to 3-State.

Mr. Nagesh Chavan (Through V.C.) for Respondent No.4.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 2nd September 2025.

P. C. :

1. Heard Mr. Bhangoji, learned counsel for the Petitioner, Mr. Mali, learned A.G.P. for Respondent Nos. 1 to 3-State and Mr. Chavan, learned counsel for the Respondent No.4.

2. This Petition impugns the Order dated 18th August 2025 passed by the Respondent No.3-Tahsildar on the application dated 14th August 2025 seeking issuance of duplicate Caste Certificate in the light of the Caste Certificate dated 16th July 2016 already issued, directing that as the

Petitioner is a resident of other district, the application is required to be filed with the Competent Authority therein.

3. Mr. Bhangoji, learned counsel appearing for the Petitioner submits that the Order of 18th August 2025 was passed by the Respondent No.3-Tahsildar, who had no jurisdiction to pass such an Order. He points out the application filed by the Petitioner dated 18th August 2025 with the Sub-Divisional Officer and submits that it is the Sub-Divisional Officer, who had issued the Caste Certificate in the year 2016 and the request was made for issuing duplicate Caste Certificate in the light of the earlier Caste Certificate issued on 16th July 2016. He submits that the Petitioner has secured admission to M.B.A. course after completing his Bachelor of Technology (B.Tech.) and the Veermata Jijabai Technological Institute (V.J.T.I.) from which he has completed B.Tech., has issued 'No Objection Certificate' on 25th November 2024 stating that V.J.T.I. is unable to locate the Petitioner's original documents, which includes the Caste Certificate. He submits that for want of the original Caste Certificate, the Caste Scrutiny Committee is unable to decide the validity of the Caste Certificate. There is an apprehension of the admission of the Petitioner secured to the M.B.A. course being cancelled.

4. Learned A.G.P points out that the Order at page No.19 dated 18th August 2025 refers to an application of 14th August 2025 made by the

Petitioner's father, by which the Tahsildar had directed the Petitioner's father to approach the Competent Authority having the necessary jurisdiction. He submits that the application filed by the Petitioner, which is annexed at page No.57, is an application of 18th August 2025 and there appears to be a discrepancy in the two applications.

5. Mr. Chavan, learned counsel appearing for Respondent No.4 – State Common Entrance Cell submits that, there is no question of protecting the Petitioner's admission to the M.B.A. course and such a course of action has been found to be ill-advised by the Hon'ble Apex Court in its decision dated 6th September 2017 in the case of *Dilip Vitthal Bambale & Ors. Vs. Vinitkumar Motiram Totlod & Ors.* He further submits that, the Petitioner has completed his B.Tech. Course and despite thereof has not obtained the Caste Validity Certificate. He submits that the admission of the Petitioner cannot be provisionally protected as sought by the Petitioner.

6. We have considered the submissions and perused the record.

7. The order of 18th August 2025 directs the Petitioner's father to approach the Competent Authority having the necessary jurisdiction to decide the application of 14th August 2025. It appears that the Petitioner has filed an application on 18th August 2025 seeking issuance of the Caste Certificate from the Sub-Divisional Officer in the light of its earlier Caste

Certificate dated 16th July 2016 issued by the Sub-Divisional Officer and which was submitted to the V.J.T.I. while obtaining admission to B.Tech. Course. The document at page 34 dated 25th November 2024 is a No Objection Certificate issued by the V.J.T.I. confirming that the Caste Certificate was submitted by the Petitioner to the Institute, however since 8 years have gone by, they are unable to locate the document. Though it is submitted by the learned counsel appearing for the Petitioner that directions may be issued to the Caste Scrutiny Committee to decide the validity of the Caste Certificate on the basis of the copy of the Caste Certificate of 2016, neither the Caste Scrutiny Committee has been made a party to the present proceedings nor there is any relief of such nature sought in the present Petition.

8. Insofar as the other prayers seeking protection of the admission secured by the Petitioner to the M.B.A. course, Mr. Chavan, learned counsel for Respondent-4 has rightly placed reliance on the decision in the case of *Dilip Vitthal Bambale & Ors. Vs. Vinitkumar Motiram Totlod & Ors. (supra)*. The Hon'ble Apex Court in that case has held that the provisional admission which was directed by the Hon'ble Division Bench of this Court was ill-advised. Considering that the Hon'ble Apex Court has disapproved such a course of action, it is no longer appropriate to issue an Order restraining the Respondent No.4 from cancelling the admission,

particularly considering that the Petitioner has not even submitted the Caste Certificate for the purpose of obtaining validity before the Caste Scrutiny Committee.

9. Considering the facts of the case, we find it appropriate to dispose of the Petition by directing the Respondent No.2- Sub-Divisional Officer to decide the application dated 18th August 2025 filed by the present Petitioner within a period of one week from today.

10. We expect the Sub-Divisional Officer to take a sympathetic view of the matter, particularly considering that the Petitioner was issued a Caste Certificate earlier on 16th July 2016, which had been submitted to the V.J.T.I. and has not been returned to the present Petitioner.

11. Writ Petition is partly allowed in the aforesaid terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik]

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2025.09.03
11:36:18
+0530