

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 661 OF 2015

SAGAR BALAJI IRLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Kulkarni Suresh M.

AGP for Respondents: Mr.P.N.Mule.

Advocate for Respondent No.2 : Mr. Tele Ashok B.

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CORAM : **S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 10th February, 2015.

P.C.:

. Heard Mr.Kulkarni, learned counsel for the Petitioner and Mr.Tele, learned counsel for the Committee so also the learned AGP.

2 Mr.Kulkarni, learned counsel submits that the Petitioner had applied for grant of tribe certificate as belonging to "Koli Mahadeo Scheduled Tribe". However, the same is rejected by the Sub-Divisional Officer. The appeal is also dismissed by the Committee. The Committee and the Sub-Divisional Officer failed to consider the validity certificate granted in favour of the real uncle of the Petitioner. The said certificate has been discarded on the ground that there is no old record available and because the school record of the Petitioner shows the caste as "Koli". Voluminous document was produced on record. However, the same has not been considered.

3 Mr.Tele, learned counsel submits that the Committee and the Sub-Divisional Officer have rightly considered the said aspect. The Committee has considered all other evidence on record and has arrived at correct conclusion. No error has been committed. The school record

of the Petitioner also does not support the case of the Petitioner.

4 We have considered the submissions canvassed by the learned counsel for respective parties. The tribe certificate issued, naturally, will have to undergo acid test during validation proceedings before the Committee. At this stage of entertaining the application for issuance of tribe/caste certificate, the authority has to be *prima-facie* satisfied. Long drawn investigation is not contemplated. The Petitioner has produced validity certificate of his real uncle and also the record of his cousin grand father and his near relatives. The same could have been considered for the *prima-facie* purpose.

5 Considering the above, the Petitioner could have been issued tribe certificate.

6 In light of the above, we pass the following order:

- I. The impugned orders are quashed and set aside.
- II. The Respondent No.3 shall issue the tribe certificate to the Petitioner as belonging to "Koli Mahadeo Scheduled Tribe", which certificate naturally will have to undergo the validation proceedings before the Committee.
- III. Accordingly, the writ petition is allowed with aforesaid observations and directions. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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