

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 1711 OF 2015

RUPALI PURUSHOTTAM NAIKWADE AND ANOTHER
 VERSUS
 SUB DIVISIONAL OFFICER, NANDED AND ANOTHER

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Advocate for Petitioners : Mr. Phatale Sagar S
 AGP for Respondents-State: Mr. P. N. Mule
 Advocate for Respondent No.2: Mr. A. B. Tele

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

DATE : 13th February, 2015

PER COURT :

1. Rule. Learned AGP waives notice of Rule for respondent No.1.

Mr. Tele, the learned counsel waives notice of Rule for respondent No.2.

With the consent of parties, taken up for final hearing.

2. Mr. Phatale, the learned counsel for the petitioners submits that the respondent No.1 rejected the application for grant of Tribe certificate to the petitioners as belonging to Koli Mohadev-Scheduled Tribe. The appeal filed before the Respondent No.2 is also dismissed. The authorities did not consider the validity certificate granted in favour of the father of the petitioners and on altogether non existing grounds rejected their application.

3. Mr. Tele, the learned counsel for the respondent No.2 Committee submits that the other evidence on record is also considered which is not consistent with the tribe Koli Mahadev.

4. We have heard learned AGP also.
5. It is trite that at the time of issuance of tribe certificates, the authorities have to be prima facie satisfied. The tribe certificate has to under go acid test during validation proceedings. It is a fact that the father of the petitioners has been issued validity certificate in respect of Koli Mahadev-Scheduled Tribe. The petitioners, being daughters, ought to have been issued tribe certificates of Koli Mahadev- Scheduled Tribe.
6. In the light of above, the impugned orders are quashed and set aside. The Respondent No.1 shall issue tribe certificates to the petitioner as belonging to Koli Mahadev- Scheduled Tribe within two months which, of course, would be subject to the scrutiny by the Committee in the validity proceedings.
7. Rule is accordingly made absolute. Writ petition disposed of. No costs.

(V. L. ACHLIYA, J.)

(S. V. GANGAPURWALA, J.)

JPC