

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

WRIT PETITION NO. 6596 OF 2015

SIDRAM MAHADEO KOLI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioners : Mr. P.G. Rodge
AGP for Respondents: Mrs M.S.Patni

...

CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.

Dated: July 03, 2015

...

PER COURT :-

1. The Petition is filed seeking direction against the Sub-Divisional Officer to issue Tribe certificate as "Koli Mahadeo" Scheduled Tribe. Learned counsel for the petitioner submits that petitioner was issued Tribe Certificate in the name of "Mahadeo Koli" in the year 2003. Thereafter, proposal was sent to the Committee for validation. The Validity certificate is also issued to the petitioner as "Mahadeo Koli". Learned Counsel submits that, as per entry 29 of the Constitution (Scheduled Tribe) Order, 1950 said Tribe is in the name of "Koli Mahadeo", as such seeks a fresh certificate as "Koli Mahadeo".

2. We have heard learned AGP for the Respondents.

3. In fact, if the petitioner is already issued with a certificate of validity of 'Mahadeo Koli', then, such validity certificate is protected. Even this Court vide its Judgment and order dated 14.8.2014 in Writ Petition No.4536/2014 with connected writ petitions has observed as under :-

“ Further, in view of the judgment of the Supreme Court in the matter of **State of Maharashtra Vs. Milind and others** (supra), referred to above, it will have to be concluded that although the Scrutiny Committee has referred to the discrepancy appeared in recording description of the tribe in the certificates issued by the competent authorities, in past, thousands of certificates have been issued and the Scrutiny Committee has also validated such certificates referring to the tribe at Sr.No.29, in Scheduled Tribes Order, 1950, as 'Mahadev Koli'. In the judgment of **Madhuri Patil**, reference to the tribe, admittedly, is as 'Mahadev Koli'. It is not a matter of dispute that in past tribe certificates have been issued referring to the tribe as 'Mahadev Koli' and those certificates have been validated by the Scrutiny Committees after observing the procedure prescribed in the matter of Madhuri Patil as well as Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Namadic Tribes, Other Backward Classes and Special Backward Category

(Regulation of Issuance and Verification of Caste Certificate Act (23 of 2001). The caste certificates and tribe certificates issued in past, after observing due procedure and in case of issuance of validity certificates, after holding vigilance cell inquiry as well as on consideration of affinity test, such certificates and validity certificates shall have to be treated as having been validly issued and shall be treated valid for all practicable purposes.”

4. In light of the above, no need to issue any fresh directions as validity certificate of the petitioner is protected in view of the aforesaid judgment.

5. Writ Petition stands disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

...

aaa/-