IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1174 OF 2015

Dinesh Shivdas Chitte .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Anandsing Bayas, Advocate for the Petitioner.
Shri K. G. Patil, Addl. G. P. for Respondent Nos. 1 and 3.
Shri K. D. Bade Patil, Advocate for the Respondent No. 2.

CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.
DATE : 05TH FEBRUARY, 2015.

PER COURT :

. Mr. Bayas, the learned counsel submits that, the Sub Divisional Officer rejected the application of the petitioner seeking tribe certificate as belonging to “Tokare Koli” (Scheduled Tribe). The learned counsel submits that, the school record of the petitioner consistently shows the caste as Tokare Koli. Even the father of the petitioner and other three real uncles of the petitioner have been issued with tribe certificate as belonging to Tokare Koli. Only on the basis that in the old documents there is entry of Koli caste, the S. D. O. has rejected the application. The learned counsel submits that, once the father of the petitioner has been issued with tribe certificate, the same could not have

been denied to the petitioner. The learned counsel further submits that, at this stage the authority has to be only prima facie satisfied.

2. Mr. Bade Patil, the learned counsel for the respondent No. 2/committee submits that, an enquiry has been conducted and in enquiry, it has been observed that, as far as old documents are concerned there is entry of Koli caste. The entry of Tokare Koli is of recent origin. The Sub Divisional Officer has made detailed enquiry and thereafter has passed the order. He has also considered all the documents on record.

3. The said documents of the grandfather and father of the petitioner show caste as Koli and there is no mention of Tokare Koli.

4. We have considered the submissions canvassed by learned counsel for respective parties.

5. Naturally the caste/tribe certificate issued is always subject to Scrutiny in validation proceedings. The father of the petitioner and three real uncles of the petitioner have been issued with tribe certificate of belonging to Tokare Koli (S.T.). Even the school record of the petitioner consistently shows the caste of the petitioner as Tokare Koli. At this stage the authority

has to prima facie satisfy about the claim made. Naturally, the said tribe certificate would not be conclusive proof. The said certificate will have to undergo the scrutiny at the hands of Scrutiny Committee in validation proceedings. At that time, long drawn enquiry can be made.

6. In the light of the above, the impugned order is quashed and set aside. The respondent No. 3 shall issue tribe certificate to the petitioner of Tokare Koli (S.T.). The writ petition accordingly is disposed of. No costs.

[V. L ACHLIYA, J.] **[S. V. GANGAPURWALA, J.]**

bsb/Feb. 15