

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.3080 OF 2016

1) Shraddha Sunil Jawalekar

2) Shubham Sunil Jawalekar

...PETITIONERS

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

...

Mr.A.S. Bayas Advocate for Petitioners.

Mr.A.M. Phule, A.G.P. for Respondents.

...

**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 18TH MARCH, 2016

ORDER :

1. The orders dated 5th September 2015 thereby rejecting the applications of the Petitioners for issuance of tribe certificates as belonging to Koli Mahadev, Scheduled Tribe are assailed in this Petition.

2. We have heard Mr. Bayas, learned counsel for the Petitioners and the learned A.G.P.

3. In normal course we would not have entertained the present Petition and would have relegated the Petitioners for the remedy provided under the Statute i.e. appeal before the Scrutiny Committee. However, considering the CET Examination to commence from 22nd March 2016 and the matter was adjourned on last date so as to enable the learned A.G.P. to take instructions, we have entertained the Petition.

4. It is brought to our notice that father of the Petitioners has been issued caste validity certificate as belonging to "Koli Mahadev", Scheduled Tribe. The school record of the Petitioners is also placed on record. It is submitted that Even the grand father of the Petitioners was issued tribe certificate as belonging to "Koli Mahadev", Scheduled Tribe, in

the year 1957.

5. The learned A.G.P. submits that the record on the basis of which validity was obtained by father of the Petitioners, has not been produced and as such the orders are rightly passed.

6. It is trite that while considering the application for issuance of caste/tribe certificate, the authority has to arrive at a prima facie satisfaction, as the said caste/tribe certificate is subjected to the acid test at the time of validation proceedings before the Committee.

7. In the present case, the father of the Petitioners has been issued validity certificate by the Committee i.e. tribe claim of the father of the Petitioners has been validated. Even grand father of the Petitioners has been issued tribe certificate as belonging to "Koli Mahadev",

Scheduled Tribe, way back in the year 1957. Sufficient material was before the Sub Divisional officer for grant of tribe certificates.

8. Considering the above, the impugned orders are quashed and set aside. The Respondent No.4 - Sub Divisional Officer, Omerga shall issue tribe certificates to the Petitioners on or before 21st March 2016.

10. The Writ Petition stands disposed of, accordingly. No costs.

. The learned A.G.P. shall communicate this order to the Sub Divisional Officer.

. The parties to act upon authenticated copy of this order.

[A.I.S.CHEEMA, J.]

asb/MAR16

[S.V. GANGAPURWALA, J.]