

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12040 OF 2016

1. Ganesh s/o Bhimrao Solanke,
Age : 24 years, Occu. Student
2. Amol s/o Bhimrao Solanke,
Age : 26 years, Occu. Student

Both r/o Dindrud, Taluka
Majalgaon, District Beed

PETITIONERS

VERSUS

1. The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32
2. The Sub-Divisional Officer,
Majalgaon, Tq. Majalgaon,
District Beed

RESPONDENTS

Mr. Pratap V. Jadhavar, Advocate for the petitioners
Mr. A.A. Jagatkar, A.G.P. for the respondents/State

**CORAM : R.M. BORDE AND
SANGITRAO S. PATIL, JJ.**

DATE : 8th December, 2016

ORAL JUDGMENT (PER : R.M. BORDE, J.) :

Heard.

2. Rule. Rule made returnable forthwith. With
the consent of the learned counsel for the petitioners
and the learned A.G.P., the petition is taken up for

final hearing and disposal at the stage of admission.

3. An application tendered by the petitioners for issuance of the caste certificates, certifying that they belong to Koli Mahadeo Scheduled Tribe, has been turned down by the Sub-Divisional Officer, Majalgaon by order dated 26th October, 2016, which order is impugned in this petition.

4. It is not a matter of dispute that the father of the petitioner is holder of the caste certificate, issued by the competent Authority, certifying that he belongs to Koli Mahadeo caste and the date of certificate is 2nd November, 1992. In the school record of the petitioners, there is entry in respect of their tribe as Mahadeo Koli. Apart from the certificate issued to the father of the petitioners and the school record of the petitioners, the Revenue Officer has reported on conduct of local enquiry that the petitioners appear to belong to Koli Mahadeo Scheduled Tribe. It is true that the tribe "Mahadeo Koli" does not find place in the Scheduled Castes and Scheduled Tribes Order, 1950 and as such, taking note of this aspect,

this Court, in the matter of **Prakash s/o Subhash Bhople Vs. Deputy Collector (General), Latur and others, reported in 2015 (4) Mh.L.J. 890**, directed to the concerned Sub-Divisional Officers to issue caste certificate without embarking upon further enquiry, certifying that the persons who are holders of the tribe certificate/s certifying their tribe as Mahadeo Koli would be issued a proper certificate certifying that they belong to "Koli Mahadeo" Scheduled Tribe.

5. It must be borne in mind that the caste certificate is required to be issued by the issuing Authority on the basis of prima facie satisfaction and no detailed enquiry at the stage of issuance of caste certificate is required. The certificate issued to the candidate belonging to tribal community is always subject to the detailed verification by the competent Authority and the holder of the caste/tribe certificate is not entitled to secure the benefits in the matter of employment or any Government scheme in the absence of validation certificate issued by the competent Scrutiny Committee.

6. In view of above, there shall be no impediment for the issuing Authority to determine the applications tendered by the petitioners for issuance of their tribe certificates on the basis of prima facie material placed before it.

7. For the reasons recorded in the judgment delivered by us as aforesaid, the instant petition also deserves to be allowed and the same is accordingly allowed. The orders, impugned in this petition, passed by the Sub-Divisional Officer, Majalgaon on 26th October, 2016 are quashed and set aside. The Sub-Divisional Officer, Majalgaon shall issue the caste certificates, in the prescribed format, to the petitioners as expeditiously as possible, preferably within three weeks from today and it is accordingly directed.

8. It is clarified that the observations made in the instant order are prima facie in nature and it would be open for the Scrutiny Committee to consider the material that would be placed before it while dealing with the caste/tribe certificate verification claim in respect of the petitioners.

9. The Rule is made absolute in the above terms.
10. There shall be no order as to costs.

[SANGITRAO S. PATIL]
JUDGE

[R.M. BORDE]
JUDGE

npj/wp12040-2016