

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12661 OF 2016

**(Shubham Dnyaneshwar Rawale, Sachin Dnyaneshwar Rawale
and Ashwini Dnyaneshwar Rawale, Minors u/g Mother Sunita
Dnyaneshwar Rawale Vs. The State of Maharashtra and
another)**

Mr. Pratap V. Jadhavar, Advocate for the Petitioners
Mr. S.B. Pulkundwar, A.G.P. for the respondent/State

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

DATE : 22nd December, 2016

PER COURT :

Heard.

2. The request for issuance of caste certificates in favour of the petitioners, has been turned down by the Sub-Divisional Officer, Ahmednagar in view of the orders passed on 16th November, 2016 and the said orders are the matter of challenge in this petition.

3. The entries recorded in the school record in respect of the petitioners denote their tribe as Mahadev Koli. The school record of the father of the petitioners indicate his tribe as Koli Mahadev. Merely because the entries in the school record and the caste

certificates issued to the blood relations of the petitioners do not record entry of the tribe in consonance of the Scheduled Castes and Scheduled Tribes Order, 1950, the applications appear to have been rejected.

4. Entry No.29 of the Scheduled Castes and Scheduled Tribes Order, 1950 records the nomenclature of the tribe – “Koli Mahadev” and not as “Mahadev Koli”. The issue in this record has been dealt with by the Division Bench of this Court in the judgment delivered matter of ***Prakash s/o Subhash Bhople Vs. Deputy Collector (General), Latur and others 2015 (4) Mh.L.J. 890*** and certain directions have been issued.

5. Considering the judgment referred to as above, the instant petition also deserves to be allowed and the same is accordingly allowed. The orders dated 16th November, 2016, passed by the Sub-Divisional Officer, Ahmednagar, rejecting the request of the petitioners for issuance of caste/tribe certificates, are quashed and set aside. The Sub-Divisional Officer, Ahmednagar is directed to issue caste/tribe certificate in favour of the petitioners in prescribed format, certifying the

tribe of the petitioners as "Koli Mahadev", as expeditiously as possible, preferably within a period of four weeks from today and it is accordingly directed.

6. The Writ Petition is disposed of.

[SANGITRAO S. PATIL]
JUDGE

[R.M. BORDE]
JUDGE

npj/WP12661-2016