

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

221 WRIT PETITION NO. 717 OF 2000

SHAILESH VASUDEO DHELE
VERSUS
STATE OF MAHARASHTRA AND ORS

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Advocate for Petitioners : Mr. V.V. Deshmukh h/f. V.J. Dixit
AGP for Respondents/State : Mr. P.S. Patil

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**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**
DATE : 12.09.2017

P.C. :-

. The application filed by the petitioner for issuance of tribe certificate of 'Tokare Koli Scheduled Tribe' is rejected, appeal filed against the same is also dismissed. Mr. Deshmukh, the learned counsel for the petitioner submits that the school record of the petitioner records caste as 'Tokare Koli'. Even the father was issued a caste certificate of 'Tokare Koli'. However, only on the ground that in one document of the father of the petitioner caste is recorded as Koli, the respondent has negated the application of the petitioner seeking caste certificate. According to the learned counsel, at this stage of issuance of caste certificate only *prima facie* satisfaction is sufficient.

2. Mr. Patil the learned A.G.P. submits that the basic documents records contra entries. The birth certificate of the father, so also the school record of the father and the paternal uncle records caste as Koli.

3. We have considered the submissions. The petitioner by now must be 40 years of age. Be that is it may, on merits also it is found that the basic old record of the father and the real paternal uncle records caste as 'Koli'. 'Koli' comes under Special Backward Class. The petitioner claims the tribe certificate of 'Tokare Koli'. The tribe certificate issued to the father of the petitioner and his entry in the service book is on the basis of representation made by the father. Considering the old record of the father and the real paternal uncle as 'Koli', which is a contra evidence, we do not see any error on the part of the Committee and the Authority while passing the impugned order. Writ petition accordingly disposed of. Rule discharged.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]