

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

WRIT PETITION NO. 11171 OF 2017

Pawan Pradeep Akoskar minor
U/G of father Pradeep P. Akoskar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.
Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 13TH SEPTEMBER, 2017.

FINAL ORDER :

. Issue notice to respondents. The learned Additional Government Pleader waives notice for all respondents.

2. Mr. Jadhavar, the learned counsel for the petitioner submits that, the petitioner had applied for getting tribe certificate as belonging to 'Koli Mahadev' (Scheduled Tribe). The Sub Divisional Officer, Osmanabad issued the tribe certificate to the petitioner, but the same was in Form No. 6 and not in Form - C. Thereafter, the petitioner applied before the Sub Divisional Officer for getting the certificate in Form - C, however, that application is rejected on the ground that fresh proposal is

required to be submitted.

3. We have heard the learned Additional Government Pleader for respondents also.

4. The Sub Divisional Officer has already issued tribe certificate to the petitioner of 'Koli Mahadev' (Scheduled Tribe) at Sr. No. ST-29, however, the said certificate was not in Form - C. The Committee directed the petitioner to obtain the certificate in Form - C, the petitioner applied to the Sub Divisional Officer for the certificate in Form - C. Said application is rejected on the ground that the petitioner should file fresh proposal along with the documents, so that on merits it can be decided.

5. When the Sub Divisional Officer had already issued the tribe certificate to the petitioner of Koli Mahadev (S. T.) at Sr. No. 29, then there was no question again going to the merits of the matter. Only ministerial act was to be performed of issuing certificate in proper form.

6. Considering the above, we pass following order.

7. The impugned order is quashed and set aside. The Sub Divisional Officer, Osmanabad shall issue the tribe certificate to

the petitioner of "Koli Mahadev" (Scheduled Tribe) Sr. No. ST-29 in Form - C expeditiously and preferably within a period of fifteen (15) days from today. The writ petition accordingly is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 17