

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

932 WRIT PETITION NO. 11450 OF 2017

ASHABAI BASWANT KOLI @ ASHABAI MARUTI SURWASE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Pratap V. Jadhavar
AGP for Respondents: Mr. S.B. Pulkundwar.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.

DATE : 19th September , 2017.

PER COURT:

1] In normal circumstances, we would not have entertained the writ petition and would have relegated the petitioner to the alternate remedy of appeal. However, submission is made, that last date for filling in the nomination paper is 22nd September, 2017 and recently, the SDO has rejected the application, in issuance of Tribe Certificate as belonging to “Koli Mahadeo” Scheduled Tribe.

2] It is the contention of the petitioner that father of the petitioner has already been issued with Tribe Certificate of “Koli Mahadeo” Scheduled Tribe, so also, various other documents were also filed to substantiate the contentions. Father of the petitioner is a farmer. Only on the ground that there is no old record, application is rejected.

3] We have heard the learned AGP.

4] It appears that the father of the petitioner is already issued with a Tribe Certificate of Koli Mahadeo Scheduled Tribe. It is trite that at the time of issuance of tribe certificate, prima facie enquiry is sufficient. The SDO has also not pointed out any contra evidence on record. All the documents produced on record consistently record tribe as “Koli Mahadeo”.

5] Considering the above, impugned order is quashed and set aside. The SDO, Osmanabad shall issue tribe certificate to the petitioner of “Koli Mahadeo” Scheduled Tribe immediately.

6] Parties to act upon authenticated copy of this order.

7] Learned AGP shall communicate this order to the SDO.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-