

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11938 OF 2017

Mukteshwar Bhagojirao Putthewad .. **Petitioner**
Versus
The State of Maharashtra and others .. **Respondents**

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri S. W. Mundhe, A. G. P. for Respondents.

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

DATE : **28th September, 2017**

PER COURT :

1. The application for issuance of tribe certificate of 'Koli Mahadev', scheduled tribe is rejected. Appeal filed against the same is dismissed.

2. Mr. Vibhute, learned counsel submits that the father of the petitioner is issued with the tribe certificate of 'Koli Mahadev' scheduled tribe. The son of the real paternal uncle of the petitioner is issued with the validity certificate of 'Koli Mahadev', scheduled tribe. The learned counsel submits that the committee has dealt with the matter as if deciding the validation proceeding. According to the learned counsel there was no impediment to issue the tribe certificate to the petitioner.

3. The learned A. G. P. submits that in the record of the many relatives of the petitioner caste is recorded as 'Koli' and in some of the relatives the word 'Mahadev' is subsequently added. There is a difference in ink. The committee has rightly passed the order.

4. It appears that the school record of the petitioner records the caste of the petitioner and his real brother as 'Koli Mahadev'. The father of the petitioner is also issued with the tribe certificate of 'Koli Mahadev'. As contended by the petitioner the son of the real paternal uncle of the petitioner has been issued with the validity certificate of 'Koli Mahadev', scheduled tribe.

5. It is trite that at the time of issuance of tribe certificate prima facie satisfaction is sufficient. Even otherwise, the said tribe certificate will have to be scrutinized by the committee during the validation proceeding. In light of the above, the impugned orders are quashed and set aside. The respondent No. 3 shall issue tribe certificate to the petitioner of 'Koli Mahadev', scheduled tribe expeditiously.

6. The writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]