

UNREPORTED**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY****BENCH AT AURANGABAD.****WRIT PETITION NO.12421 OF 2017**

Shivraj S/o Babarao Bhange,
Age 20 years, Occ.Education,
R/o Kolheborgaon, Tq.Biloli,
Dist.Nanded. ... Petitioner.

Versus

1. The State of Maharashtra,
through Secretary to
Tribal Development Department,
Mantralaya, Mumbai.

2. The Scheduled Tribe
Caste Certificate
Verification Committee,
Aurangabad, through its
Dy.Director (R),
Aurangabad.

3. The Sub Divisional
Officer, Degloor,
District Nanded.

4. The Sub-Divisional
Officer, Biloli,
District Nanded. ... Respondents.

...
Mr.S.M.Vibhute, advocate for the petitioner.
Ms.R.P.Gour, A.G.P. for the State.

...
**CORAM : S.V.GANGAPURWALA AND
S.M.GAVHANE, JJ.**

Date : 20.11.2017.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Rule. Rule returnable forthwith. With the consent of the learned counsel for the parties, the petition is taken up for final hearing.

2. The application made by the petitioner for issuance of tribe certificate of Koli-Mahadev - Scheduled Tribe is rejected. Appeal filed against the same is dismissed. Aggrieved thereby, the present petition.

3. Heard learned counsel for the petitioner and learned A.G.P. for the Respondents.

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4. Learned counsel for the petitioner states that the father of the petitioner is illiterate, as such there is no School record of the father of the petitioner. The School record of the petitioner as well as his real brother depicts caste recorded as Koli-Mahadev - Scheduled Tribe.

5. There are no other documents on record than these two documents and one validity certificate in favour of distant relative of the petitioner claiming to be from the same fore-father.

6. Be that as it may, there are no contrary documents on record. The School record of the petitioner and his real brother depicts the caste as Koli-Mahadev. Even the Talathi has made inspection and has given the report to that effect.

7. It is trite that at this stage, the authorities have to be prima facie satisfied. Even otherwise, the tribe certificate will have to be undergo acid test during the validation proceedings before the Scrutiny Committee.

8. Considering above, the impugned orders are quashed and set aside. The Respondent No.4 shall issue tribe certificate to the petitioner of Koli-Mahadev - Scheduled Tribe which certificate certainly will have to be referred to

the Committee for verification. The tribe certificate shall be issued expeditiously, preferably within one (1) month.

9. Rule accordingly made absolute in above terms. No costs.

Sd/-

(S.M.GAVHANE, J.)

Sd/-

(S.V.GANGAPURWALA, J.)

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