

UNREPORTED**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY****BENCH AT AURANGABAD.****WRIT PETITION NO.13780 OF 2017**

Sachin Bibhishan Akoskar,
Age 30 years, Occ.Nil,
R/o Kolewadi, Tq. and
District Osmanabad. ... Petitioner.

Versus

1. The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2. The Sub-Divisional Officer,
Osmanabad, Tq. and Dist.
Osmanabad.

3. The Deputy Director,
Health Services, Latur
Division, Latur, Tq. and
Dist.Latur.

4. The District Health Officer,
District Hospital,
Osmanabad, Tq.and Dist.
Osmanabad.

5. The Scheduled Tribe
Certificate Scrutiny
Committee, Aurangabad
Division, Aurangabad
through its Member-
Secretary. ... Respondents.

...
Mr.P.V.Jadhavar, advocate for the petitioner.
Mr.S.G.Karlekar, A.G.P. for the State.

...

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

Date : 27.11.2017.

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

1. Rule.

2. Learned A.G.P. accepts notice of Rule for all Respondents.

3. With the consent of parties, the petition is taken up for final hearing.

4. The application filed by the petitioner for issuance of tribe certificate of Koli-Mahadev-Scheduled Tribe is rejected. The appeal filed against the same is dismissed.

5. Mr.Jadhavar, learned counsel for the petitioner submits that the authorities failed to consider the consistent entries of Koli-Mahadev in the School record of the petitioner and the petitioner's paternal cousin. One of the paternal cousin of the petitioner namely Shrinath

Shrikrishna Akoskar, is issued with the validity certificate of Koli-Mahadev - Scheduled Tribe. The father is also issued with the tribe certificate of Koli-Mahadev.

6. Learned A.G.P. submits that the evidence produced by the petitioner is of recent period. No conclusive evidence is produced by the petitioner. The Committee has rightly dismissed the appeal.

7. We have gone through the documents. It appears in Khasra Pahani of the year 1954-55 the name of the great grand father, is recorded as Aba Narsu Koli. It does not appear that the word Koli is recorded as a caste. The entries appears to be as against the name of great grand father of the petitioner. The record of the petitioner and his cousin brothers shows the caste as Koli-Mahadev. The contra evidence does not appear to be on record. Even the father of the petitioner is issued with the tribe certificate of Koli-Mahadev - Scheduled Tribe and one of the cousin brother is issued with the validity certificate

of Koli-Mahadev - Scheduled Tribe.

8. At this stage, the authority will be required to be prima facie satisfied. Even otherwise, the said certificate will have to undergo acid test at the time of verification of the tribe claim before the Committee.

9. Considering above, the impugned judgment and orders are quashed and set aside. The Respondent No.2 shall issue tribe certificate to the petitioner of Koli-Mahadev - Scheduled Tribe expeditiously, preferably within one (1) month.

10. Till the tribe certificate is issued to the petitioner, the Respondents shall not fill in the post on which the petitioner is selected.

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

Sd/-

(S.M.GAVHANE, J.)

Sd/-

(S.V.GANGAPURWALA, J.)

