

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.58 OF 2017

**Digambar S/o Sarjerao Patange Vs. Sub-Divisional Officer,
Majalgaon and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.S.Phatale, advocate for the petitioner.
Mr.P.S.Patil, A.G.P. for the State

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 06.01.2017.

PER COURT :

1. Issue notice to the Respondents.
2. Learned A.G.P. waives notice for all Respondents.
3. With the consent of parties heard finally.
4. The petitioner was given tribe certificate as belonging to Mahadev Koli – Scheduled Tribe. The proceedings were referred for validation before the Committee. On the ground that the tribe certificate issued is of Mahadev Koli, the Committee refused to decide the said proceedings, instead directed the petitioner to approach the SDO to obtain the tribe certificate of Koli Mahadev – Scheduled Tribe. Pursuant thereto, the petitioner filed application for tribe certificate of Koli Mahadev. The said application is

rejected. Aggrieved thereby, the present petition.

5. The premise on which the impugned order is passed, is per se erroneous. In spite of the fact that the Scrutiny Committee had directed to get the tribe certificate of Koli Mahadev, the SDO Majalgaon, only on the ground that the documents produced by the petitioner refers the tribe as Mahadev Koli has rejected the application. The authority was only required to consider the sufficiency of the evidence to prima facie establish the tribe as claimed by the petitioner. The SDO has observed that the petitioner has produced the documents showing tribe as Mahadev Koli.

6. Considering above, we pass the following order :

- a) The impugned order is quashed and set aside.
- b) The SDO shall issue the tribe certificate to the petitioner of Koli Mahadev – Scheduled Tribe which certainly would be subject to the scrutiny by the Scrutiny Committee.
- c) Rule accordingly made absolute in above terms. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.06.01.2017.
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