

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 1045 OF 2018

Arpita Ramesh Jamadar and anr.

.. Petitioners

Versus

The State of Maharashtra and ors.

.. Respondents

Mr P.V. Jadhavar, Advocate for petitioners

Mrs M.A. Deshpande, A.G.P. for respondents

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 25th January 2018

PER COURT

1. Notice to respondents. Learned A.G.P. waives notice for all respondents.
2. The application filed by the petitioners for issuance of tribe certificate of Koli Mahadev – Scheduled Tribe is rejected.
3. Mr Jadhavar, the learned Advocate for the petitioners submits that the father of the petitioners is issued with the tribe certificate of Koli Mahadev – Scheduled Tribe in the year 1991. The school record of the father also records the caste as Mahadev Koli. So also the school record of the petitioner and the real brother of the petitioner also records the caste as Mahadev Koli. Still the Committee without considering this evidence has rejected the application for issuance of tribe certificate.
4. The learned A.G.P. submits that the surname possessed by the petitioners is not found in Mahadev Koli tribe nor the petitioners are residents of place where the persons of Koli Mahadev – Scheduled Tribe ordinarily reside. The Committee has rightly passed the order.

5. The father of the petitioners is already issued with the tribe certificate of 'Koli Mahadev - Scheduled Tribe'. The school record of the petitioner and his father and brother depicts caste as 'Mahadev Koli'. No contra evidence is found on record. At this stage the Committee has to be prima facie satisfied. Even otherwise the certificate has to undergo strict scrutiny during verification by the Scrutiny Committee in validation proceedings.

6. Considering the above, the impugned orders are quashed and set aside. The Sub Divisional Officer, Omerga shall issue tribe certificates to the petitioners of 'Koli Mahadev - Scheduled Tribe', expeditiously preferably within eight weeks.

7. Writ Petition stands disposed of accordingly. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)