

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

WRIT PETITION NO. 2802 OF 2018

Pankaj Bhuresh Ishi
Age: 30 years, Occu: Nil,
R/o Anturli, Tq. Shirpur,
Dist. Dhule

.. Petitioner

Versus

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

2. The Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar
Through its Deputy Director, (R),
Aurangabad.

3. The Sub-Divisional Officer,
Shirpur, Tq. Shirpur,
Dist. Dhule

.. Respondents

Shri. Pratap V. Jadhavar, Advocate for the Petitioner.
Shri. K.N. Lokhande, A.G.P. for Respondent/State.

**CORAM : S.V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATED : 15th March, 2018

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

. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

2. The application filed by the petitioner for issuance of tribe certificate of 'Tokare Koli' (Scheduled Tribes) is rejected. Appeal filed against the same is dismissed. Aggrieved thereby the present petition.

3. Mr. Jadhavar, the learned counsel submits that, the school record of the grandfather of the petitioner of the year 1949 records tribe as Tokare Koli. The school record of the father of the petitioner records tribe as Tokare Koli. The school record of the petitioner records tribe as Tokare Koli. The authority has relied only on the revenue record in which tribe is not mentioned and surname Koli is mentioned.

4. The learned Assistant Government Pleader supports the order and submits that, in the school record of the real sister of the petitioner the

tribe is recorded as Koli.

5. We have perused the record. Prima facie the school record of the grandfather of the petitioner, the father of the petitioner and also of the petitioner record tribe as Tokare Koli. The revenue record does not record the tribe, but it records the surname.

6. It is trite that, at this stage, the authority has to be prima facie satisfied, as even otherwise after issuance of tribe certificate, the same has to undergo acid test before the Committee.

7. In light of the above, the impugned order is quashed and set aside. The Respondent No. 3 shall issue the tribe certificate to the petitioner of 'Tokare Koli' (Scheduled Tribe) expeditiously and preferably within a period of six (6) weeks from today. Naturally said tribe certificate will have to undergo test of verification by the Committee.

8. Rule is accordingly made absolute in the above terms. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]