

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

931 WRIT PETITION NO. 8762 OF 2018

PARAMVEER RAJENDRA SAINDANE THROUGH MOTHER HEERA
RAJENDRA SAINDANE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER..RESPONDENTS

...

Mr. Girish V. Wani, Advocate for the Petitioner.
Mr. A. V. Deshmukh, AGP for Respondents-State.

...

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

DATED : 01st AUGUST, 2018.

PER COURT:-

1. Application filed by the petitioner seeking tribe certificate of "Tokare Koli" Scheduled Tribe is rejected.

2. We have heard Mr. Wani, learned counsel for the petitioner and Mr. Deshmukh, learned A.G.P..

3. In normal course, we would not entertain the writ petition, as the petitioner has an alternate remedy of appeal. However, considering the fact that 05.08.2018 is the last date for submitting the caste certificate, so as to secure the admission to I.T.I. course, we have considered the petition on merits.

4. The petitioner has relied on the caste tribe certificate issued in favour of his father, who is Police Constable. It is submitted that his tribe claim is also pending verification with the committee. The school leaving certificate of the father of the petitioner is relied upon, which records the caste as "Tokare Koli" Scheduled Tribe. The said school leaving certificate is of the year 1987. The petitioner has relied upon the entries in the school record. One more entry relied by the petitioner to the Revenue record showing that the land held by the petitioner is under section 36 and 36(A) of the Maharashtra Land Revenue Code that is land held by Tribal.

5. It is to be considered that at this stage the authority has to be prima facie satisfied. Even otherwise, the tribe certificate will have to undergo acid test during the scrutiny before the committee.

6. Considering the above, the impugned order is quashed and set aside. The respondent no.2 shall issue tribe certificate to the petitioner of "Tokare Koli" Scheduled Tribe before 03.08.2018. Naturally, the said tribe certificate shall have to be referred to the committee for verification and in case, the tribe certificate is invalidated, the petitioner will not be entitled to claim any benefit nor can protect his admission.

7. The writ petition accordingly disposed of.
No costs.

8. Parties to act on the authenticated copy
of this order.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/August-18