

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7177 OF 2018

Rajaram S/o Poshatti Kadpewad .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

...
Mr. Ganesh B. Patunkar, Advocate h/f Mr. S.M. Vibhute, Advocate
for petitioners
Mr. P.S. Patil, A.G.P. for respondent-State
...

CORAM : NARESH H. PATIL,
ACTING CHIEF JUSTICE &
SUNIL P. DESHMUKH, J.
DATE : 27-08-2018

ORAL ORDER :

1. Petitioner was issued a caste certificate dated 05-03-1980 by Tahsildar & Taluka Magistrate, Bhokar, certifying him to be belonging to caste "Koli Mahadeo". Petitioner initiated proceedings before respondent no. 2 - The Scheduled Tribe Certificate Verification Committee, Aurangabad for validating his caste claim. By order dated 24-03-2017, the respondent no. 2 had rejected petitioner's claim and confiscated the certificate. It was noticed that the caste referred in the certificate was not in accordance with the Presidential Notification. It is submitted that

under the Presidential Notification, the caste is mentioned as "**Koli Mahadev**".

2. Both the learned counsel submit that similar issue has been addressed by this Court. One such order passed by a Division Bench of this Court (Coram : S.V. Gangapurwala and A.M. Dhavale, JJ.) in writ petition no. 2681 of 2018 dated 13th March, 2018 has been brought to our notice.

3. Learned A.G.P. submits that if the matter is remanded back then the concerned authority would pass appropriate orders accordingly.

4. In the light of the view already adopted by this court, we quash and set aside the impugned order passed by respondent no. 2 - The Scheduled Tribe Certificate Verification Committee, Aurangabad annexed at Exhibit - "C" to the petition. The matter is remanded back.

5. Petitioner is entitled to file application before Sub Divisional Officer, Dharmabad, Dist. Nanded, for carrying out necessary correction in respect of the caste from "Koli Mahadeo" to "**Koli Mahadev**". On receipt of such an application, the concerned Sub Divisional Officer shall verify all existing original registers and records maintained by the office and, thereafter issue fresh

certificate, certifying the petitioner to be belonging to caste "**Koli Mahadev**" within a period of four weeks from date of receipt of the application.

6. In case the petitioner receives fresh certificate, he will be entitled to approach the Scheduled Tribe Certificate Verification Committee, Aurangabad, for verifying his caste claim.

7. Writ petition stands disposed of accordingly.

[SUNIL P. DESHMUKH]
JUDGE

ACTING CHIEF JUSTICE

arp/