

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.335 OF 2019

BAJIRAO KACHRU MORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. O.B.Boinwad, Advocate for the petitioner
Mrs. M.A.Deshpande, AGP for the respondent/State

CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.

DATED : 09.01.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. Learned counsel for the petitioner submits that a caste certificate was issued in favour of the petitioner on 08.07.2011 by the Sub Divisional Officer stating that petitioner belongs to 'Mahadev Koli' (Scheduled Tribe) category. Learned counsel then submitted that the nomenclature referred to in the certificate is an erroneous nomenclature i.e. Mahadev Koli and it ought to have been 'Koli Mahadev'. It is the further submission of the learned counsel that because of such erroneous nomenclature the petitioner may face difficulties in receiving the validity certificate. Then learned counsel invited our attention to the judgments of this Court reported in 2015(4)Mh.L.J. 890 in the matter of Prakash s/o Subhash Bhople Vs. Deputy Collector (General), Latur and others as well a recent order of this Court dated 14.09.2018 to submit before us that the respondent No.2 be directed to issue a corrected Tribe certificate of 'Koli Mahadev' (Scheduled Tribe) -29 to the petitioner. Perusal of the order dated 14.09.2018 passed by the Division Bench

of this Court shows that the Division Bench was pleased to observe that the issue raised in the petition is no more res-integra and it is not in dispute that the petitioner is identically circumstanced with these petitioners who were before this Court in bunch of petitions, namely, WP No.10392 of 2018, WP 10415 of 2018, WP 10416 of 2018.

3. Learned counsel for the petitioner has also shown his willingness to submit an application to the Sub Divisional Officer immediately in the light of the order of the Division Bench dated 14.09.2018.

4. In view of the above referred facts the petition is partly allowed.

5. If the petitioner submits an application to the concerned Sub Divisional Officer alongwith the original Tribe certificate/certificates, whereby the status of the petitioner is described as 'Mahadev Koli' within three weeks from today, the concerned Sub Divisional Officer on the basis of original Tribe certificate produce by the present petitioner without embarking upon further inquiry into the matter, shall proceed to issue corrected Tribe certificate describing the Tribe as 'Koli Mahadev' which is in consonance with constitution Scheduled Tribe year 1950. The corrected Tribe certificate shall be issued to the petitioner within a period of four weeks from the date of the receipt of the application of the petitioner.

6. With these directions the petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]