

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4155 OF 2019

VINOD PANDURANG YANGALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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WRIT PETITION NO. 4156 OF 2019

SHIVKANYA TUKARAM YANGALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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WRIT PETITION NO. 4201 OF 2019

VIKAS RAJARAM YANGALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for Respondents : Mrs. M. A. Deshpande

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 25th JUNE, 2019

PER COURT:

1. It is submitted that all these petitioners are members of the same family. It is further submitted that in Writ Petition No. 4155 of 2019 the real brother of the petitioner is issued with the caste certificate of Koli Mahadev, Scheduled Tribe. In Writ Petition No. 4156 of 2019 the

petitioner's father is issued with the caste certificate of Koli Mahadev, Scheduled Tribe and in Writ Petition No. 4201 of 2019 the real paternal uncle is issued with the caste certificate of Koli Mahadev, Scheduled Tribe. The learned counsel submits that, school record of the petitioners records caste as Koli Mahadev. Their parents were illiterate.

2. The learned Additional Government Pleader submits that the petitioners had not produced the old documents. The documents on record were not sufficient to inspire confidence that the petitioners belong to Koli Mahadev, Scheduled Tribe.

3. At this stage, the same is required to be *prima facie* satisfied. A long drawn investigation is not contemplated.

4. It is not disputed that the brother of the petitioner in Writ Petition No. 4155 of 2019, the father of the petitioner in Writ Petition No. 4156

of 2019 and the real paternal uncle of the petitioner in Writ Petition No. 4201 of 2019 have been issued with the caste certificate of Koli Mahadev, Scheduled Tribe. Even the school record of the petitioners records caste as Koli Mahadev, Scheduled Tribe. No contra evidence is on record. Even otherwise, the caste certificate issued to the petitioners will have to undergo acid test during validation proceedings.

5. Considering all the aforesaid aspects of the matter, the impugned orders are quashed and set aside. The concerned Sub Divisional Officer shall issue caste certificate to the petitioners of Koli Mahadev, Scheduled Tribe within a period of two (02) weeks from today. Naturally, the said caste certificates will have to undergo scrutiny by the Scrutiny Committee.

6. Writ Petitions are disposed of accordingly.
No costs.

[MANGESH S. PATIL, J.]
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[S. V. GANGAPURWALA, J.]