

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

1001 WRIT PETITION NO.8408 OF 2019

DEEPAK SHAMU DIVATEWAD THROUGH NATURAL GUARDIAN
SHAMUDIGAMBAR DIVATEWAD ..PETITIONER

VERSUS

SUB DIVISIONAL OFFICER BHOAR ..RESPONDENTS

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Mr. Sagar S. Phatale, Advocate for the Petitioner.
Mr. P. K. Lakhotiya, AGP for Respondents-State.
Mr. Pratap G. Rodge, Advocate for Respondent No.3.

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

DATED : 24th JULY, 2019.

PER COURT:-

1. The application for issuance of the tribe certificate of 'Koli Mahadev', Scheduled Tribe made by the petitioner is rejected. The appeal filed against the same is dismissed.

2. Mr. Phatale, learned counsel for the petitioner submits that the school record of the petitioner, his cousin grandfather and cousin uncle record caste as 'Koli Mahadev'. The father of the petitioner is illiterate. He had never been to the school. The learned counsel submits that the cousin uncle of the petitioner Kiran is issued with the Tribe Certificate under orders of the scrutiny committee. The cousin grandfather of the

petitioner namely Ramchandra is issued with tribe certificate.

3. We have heard learned A.G.P also.

4. It is trite that, at the time of issuance of tribe certificate only prima facie satisfaction is sufficient. The cousin uncle of the petitioner Kiran is issued with the tribe certificate under the order of the scrutiny committee. The cousin grandfather of the petitioner Ramchandra is also issued with the tribe certificate. The school record of the petitioner, his cousin uncle and cousin grandfather record caste as 'Koli Mahadev'.

5. Considering the above, the impugned order is quashed and set aside. The respondent no.1 shall issue tribe certificate to the petitioner of 'Koli Mahadev', Scheduled Tribe within a period of (03) three days.

6. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE