

WRIT PETITION NO.11001 OF 2018

Mr.Satish Raut for the Petitioner.
Mr.A.I. Patel AGP for the Respondent-State.

DATE : 12TH JUNE, 2019.

1] The petitioner is aggrieved by the order passed by the Sub-Divisional Officer rejecting the application tendered for issuance of tribe certificate in the name of the petitioner - Vishram Kotalkar certifying that the petitioner belongs to Koli-Mahadev Tribe. The order passed by the Sub-Divisional Officer has been confirmed by the Scrutiny Committee in view of the judgment and order delivered on 30th November, 2017.

2] The petitioner in order to substantiate his claim placed reliance on copy of the Caste certificate issued in the name of grand-father of the petitioner by the Tahsildar and Executive Magistrate, Pandharpur certifying that he belongs to Koli-Mahadev tribe issued on 24th September, 1989. Apart from the tribe certificate issued to Grandfather, the entries in school record of the petitioner, supports his claim. There are

entries in respect of tribe recorded in the school leaving certificate of the petitioner as well as school leaving certificate of his sister and brother as Koli-Mahadev. The school at Pandharpur has also issued bonafide certificate in the name of Kotalkar Sahil Vishram certifying that he belongs to Koli-Mahadev tribe. The mother of the petitioner – Mrs.Prabhavati Pandhurang Kotalkar was in employment of the Education Department of the State Government and the first page of service record indicates entry in respect of tribe of the employee as Mahadev-Koli. The evidence produced by the petitioner on record before the Sub-Divisional Officer is quite sufficient to prima facie establish his entitlement to claim the tribe certificate. It must be recorded that the Competent Authority is expected to consider the application for issuance of tribe certificate on the basis of prima facie material and in-depth enquiry is expected to be conducted only at the stage of issuance of validation certificate by the Scrutiny Committee. In the instant matter, according to us, there is prima facie material to support claim of the petitioner. The near relatives of the petitioner have been issued tribe certificate by the Competent Authority, so also there is entry in respect of tribe of the petitioner recorded in the school register.

3] Considering prima facie material placed on record by the petitioner, it was gross error on the part of the Sub-Divisional Officer and the Scrutiny Committee to reject the request made by the petitioner. In view of reasons recorded as above, writ petition deserves to be allowed and it is accordingly allowed. The orders passed by the Sub-Divisional

Officer as well as the Scrutiny Committee are set aside. The Sub-Divisional Officer is directed to issue tribe certificate as requested by the petitioner in prescribed proforma as expeditiously as possible and preferably within period of four weeks from today.

4] Rule is, accordingly, made absolute in the aforesaid terms. No order as to costs.

(N. J. JAMADAR, J.)

(R. M. BORDE, J.)