Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8294 OF 2019

Harshal Janardhan Koli ...Petitioner

Versus

State of Maharashtra & ors. ...Respondents

Mr. C. K. Bhangoji, I/b R. K. Mendadkar, for the Petitioner.
Ms. Kavita N. Solunke, AGP for the State/Respondent no.1.

CORAM: R. M. BORDE &
N. J. JAMADAR, JJ
DATED: 30th JULY, 2019

Oral Order:-

1. The instant petition can be disposed of in view of the decision rendered by the Division Bench (Aurangabad Bench) of this Court in Writ Petition No.4536 of 2014, dated 14th August, 2014. The petitioner possesses a certificate issued by the Executive Magistrate on 5th June, 1984, certifying that he belongs to 'Mahadeo-Koli', Scheduled Tribe. Since the certificate issued to the petitioner is not in consonance with the description of the Tribe recorded in the constitutional order, the Scrutiny Committee did not accept the proposal tendered by the petitioner for validation of the said caste certificate.

2. The petitioner, thus, has tendered an application to the Sub-Divisional Officer ("SDO") on 13th July, 2018, for issuance of the Tribe certificate recording the correct description of the

Tribe. According to the petitioner, the officer has not taken any steps and no certificate, as requested by the petitioner, has been issued. Since the petitioner already possess a certificate issued by the Executive Magistrate, who was authorised to issue the same at the relevant time, it shall be obligatory for the Sub-Divisional Officer to issue the Tribe certificate as requested by the petitioner vide application dated 30th July, 2018, recording correct description of the Tribe. The petitioner shall tender his original certificate issued by the Executive Magistrate and, on production of the original certificate, the concerned authority shall proceed to issue a Tribe certificate in the prescribed proforma recording the name of the tribe as 'Koli-Mahadeo'.

3. The petitioner shall produce the original Tribe certificate issued to him by the Executive Magistrate within a period of 15 days from today, before the SDO and, on production of the original certificate, the SDO shall issue a fresh Tribe Certificate recording correct description of the Tribe, as expeditiously as possible, preferably within two weeks from the date of receipt of the original certificate.

4. With the aforesaid directions, the writ petition stands disposed of.

[N. J. JAMADAR, J.] **[R. M. BORDE, J.]**