

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7087 OF 2020

Utkarsh s/o Ravindra Walkhande and Anr. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr S.C. Yeramwar, Advocate for Petitioners
Mrs M.A. Deshpande, Addl. G.P. for Respondents-State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 19th OCTOBER, 2020

PER COURT :

1. The application of the petitioners for issuance of the tribe certificate of 'Tokare Koli', Scheduled Tribe is rejected. The appeal preferred by the petitioners before the Scrutiny Committee is rejected.

2. Mr Yeramwar, the learned Counsel for the petitioners submits that the father of the petitioners and the real uncle of the petitioners are issued with the caste certificate of 'Tokare Koli', Schedule Tribe. Their validation proceedings are also pending before the Scrutiny Committee. The petitioners have produced school record of the great grandfather of the petitioners namely, Ratan Daga Koli wherein the caste is recorded as 'Tokare Koli'. Only on one solitary entry recording the caste as Koli, the application is rejected.

3. Mrs Deshpande, the learned Additional Government Pleader refers to the judgment of the Committee and submits that the school record of the petitioners grandfather records the caste as Koli. The same is contra entry. It was sufficient to negate the application of the petitioners.

4. We have considered the submissions.

5. At the time of issuance of caste certificate, the authority has to be *prima-facie* satisfied. It is not disputed that the father of the petitioners and the real uncle of the petitioners are issued with the caste certificate of 'Tokare Koli' Scheduled Tribe. Their proposal seeking validity of the said certificate is pending with the Scrutiny Committee. The petitioners have placed a copy of the school record of their great grandfather, namely Ratan Daga Koli recording caste as 'Tokare Koli' as claimed by the petitioners. The same record referred as old document. The said document is of the year 1920.

6. Considering the fact that the father and real uncle of the petitioners are issued with the caste certificate of 'Tokare Koli', Scheduled Tribe and also the school record of the great grandfather as claimed by the petitioners and also the fact that the caste certificate will have to undergo litmus test of its verification before the Scrutiny Committee. We pass the following order.

ORDER

- (i) The impugned order is quashed and set aside.
- (ii) Respondent No. 3, Sub-Divisional Officer, Dhule Division, Dhule shall issue the caste certificate to the petitioners of 'Tokare Koli', Scheduled Tribe immediately.

7. Writ Petition is accordingly disposed of.

8. Authenticate copy be given.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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