

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6667 OF 2022

Jayashri Manik Koli @
Jayashri Sunilkumar Koli

.... Petitioner

Versus

The State of Maharashtra & Ors.

.... Respondents

Mr. C.K. Bhangoji for the Petitioner.

Mrs. M.P. Thakur, AGP for State.

**CORAM : S. V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATE : 9TH JUNE, 2022

PC. :

1. Rule.
2. Rule made returnable forthwith by consent of the parties.
3. The learned counsel for the Petitioner submits that the Petitioner was issued a caste certificate of Mahadev Koli, Scheduled Tribe by the Executive Magistrate, Shirol on 12.04.1985. The Petitioner filed proceedings before the Scrutiny Committee for verification of the said certificate. The Scrutiny Committee directed the Petitioner to obtain the caste certificate in proper Form-C. Pursuant to the said order, Petitioner applied to the concerned SDO-Respondent No.3 for issuance of caste certificate in proper Form-C. The said application is rejected on merits on

the ground that the Petitioner could not produce the documents of pre-constitutional period. The appeal filed by the Petitioner before the SDO, Respondent No.3 is dismissed.

4. The learned AGP submits that the Petitioner could not prove the case. Even in the prima facie manner, no pre-independent documents are produced. Therefore, no error has been committed by the SDO while passing the impugned order.

5. It appears that the Petitioner was already issued with the caste certificate of Mahadev Koli, Scheduled Tribe by the Executive Magistrate, Shirol in the year 1985. In the year 1985, the Executive Magistrate, Shirol was the competent authority to issue the caste certificate. It is only after 2000, the SDO is empowered to issue the caste certificate. The said caste certificate is also presented before the Scrutiny Committee for verification. The Scrutiny Committee has directed the Petitioner to obtain the caste certificate in proper Form-C. In view of the aforesaid facts, the Petitioner applied to the SDO for issuance of caste certificate in proper Form-C. The SDO was required to only verify as to whether the caste certificate produced by the Petitioner is genuinely issued by the Executive Magistrate, Shirol and if satisfied with the fact that the said caste certificate was issued by the Executive Magistrate, Shirol, the SDO shall issue the caste certificate in favour of the Petitioner in proper Form-C.

6. Time and again, we have observed that while issuing the caste certificate, the concerned authority has to be *prima facie* satisfied. The long drawn enquiry is not contemplated and insistence on the production of the documents of pre-independence era cannot be a condition precedent for issuance of caste certificate.

7. In the light of the above, the impugned orders are required to be quashed and set aside. Respondent No.3 shall verify whether the caste certificate produced by the Petitioner issued by Executive Magistrate, Shirol was really issued by him and if satisfied that the same was issued by the Excessive Magistrate, Shirol, shall issue the caste certificate to the Petitioner as Koli Mahadev in proper Form-C. The said exercise shall be done preferably within a period of two months from today.

8. Rule is made absolute.

MADHAV J. JAMDAR, J.

S. V. GANGAPURWALA, J.