

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8450 OF 2022

Yallappa Nagappa Koli

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Deepak D. Choudhari for the Petitioner

Ms. S. S. Bhende, AGP for the State

**CORAM: S.V.GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : SEPTEMBER 23, 2022

P.C.

1 The Petitioner was issued with caste certificate on 14th December 1987 by the Tahasildar, South Solapur. The same caste certificate was submitted to the Scrutiny Committee for verification and validation. The Scrutiny Committee, under its order dated 20th May 2015 directed the Petitioner to obtain the caste certificate with the correct nomenclature and in proper form. The Petitioner was issued with the caste certificate with the nomenclature Mahadev Koli. In the Presidential Notification, the said nomenclature is Koli Mahadev. It was also directed to obtain the caste certificate in proper Form-C. In the year 1987 when the Petitioner was issued with the caste certificate, at that time, the Form-C was not available.

The Act came into force in the year 2000. However, the nomenclature of the tribe was wrongly mentioned as Mahadev Koli instead of Koli Mahadev. In light of that the Scrutiny Committee was justified in asking the Petitioner to obtain the caste certificate in the proper form. Pursuant to the judgment of the Scrutiny Committee, the Petitioner applied for caste certificate with proper nomenclature and form. Same is rejected by the SDO on the ground that the Petitioner has not produced evidence prior to 1950. The Committee also held the same without assigning any reason.

2 The Petitioner was already issued with a caste certificate. The Committee also directed the Petitioner to obtain the caste certificate with the proper nomenclature and in proper form. In that view of the matter, the SDO was only required to consider whether the earlier caste certificate is issued to the Petitioner. If convinced that the caste certificate was issued to the Petitioner, then the SDO was required to perform only ministerial act of issuance of caste certificate with proper nomenclature and in proper form. This aspect has been lost sight of by the SDO as well as the Scrutiny Committee while dismissing the appeal.

3 In light of the above, the impugned orders are quashed and set aside.

4 The SDO shall confirm of the issuance of the earlier caste certificate and if convinced that the caste certificate was issued to the Petitioner earlier by the Tahasildar / Executive Magistrate, then shall issue caste certificate to the Petitioner with the correct nomenclature of Koli Mahadev tribe and in proper form-C. Said exercise shall be done preferably within eight weeks.

5 The Writ Petition is accordingly disposed of. No costs.

(R.N. LADDHA,J.)

(S.V. GANGAPURWALA, J.)