

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8807 OF 2022

Tarabai Genu Zade ... **Petitioner**
Versus
The State of Maharashtra & Ors. ... **Respondents**

Mr.Chintamani K. Bhangoji, Advocate for the Petitioner.

Smt. S. S. Bhende, AGP for the Respondents/State.

**CORAM: S.V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : JULY 28, 2022

P.C.

1. The petitioner was issued with the Caste Certificate of Koli Mahadev Schedule Tribe in the year 1990 by the Executive Magistrate. The Committee directed the petitioner to obtain the Caste Certificate in Form "C". The petitioner applied to the Sub-Divisional Officer for grant of Caste Certificate in proper format of Form "C". The said application is rejected. The appeal is dismissed. Being aggrieved thereby the present writ petition.

2. Heard learned Counsel for the petitioner and learned AGP.

3. If the petitioner was issued with the Caste Certificate in the year 1990 and the Committee had directed the petitioner to obtain the Caste Certificate in proper format of Form "C", then the Sub-Divisional Officer was only required to confirm the issuance of Caste Certificate and if the Sub-Divisional Officer satisfied that the petitioner is issued the

Caste Certificate in the year 1990, the Sub-Divisional Officer ought to have issued the Caste Certificate to the petitioner.

4. Even otherwise, the petitioner had produced the document i.e. the school record of the aunt regarding the caste as Mahadev Koli. The said document is of the year 1948. The document of the year 1986 i.e. school entry of the brother also recorded the caste as Mahadev Koli, so also the school record of the petitioner.

5. It is trite that at the time of issuance of caste certificate a long drawn enquiry is not contemplated. The Authority has to arrive at a prima facie satisfaction. Even otherwise, the caste certificate has to undergo acid test during validation proceedings.

6. Considering the pre-constitutional document on record in case of the paternal aunt of the petitioner and other documents, the impugned order is quashed and set aside.

7. The Sub-Divisional Officer shall issue caste certificate to the petitioner of Koli Mahadev Scheduled Tribe in proper format of Form "C" preferably within four weeks from today. The caste certificate shall have to undergo the validation proceedings.

8. The writ petition is disposed of. No costs.

(S. M. MODAK, J.)

(S.V. GANGAPURWALA, J.)

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