

Urmila Ingale

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

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WRIT PETITION NO. 9272 OF 2022

Kum. Pratyush Ravindra Sawant
minor through her father and
natural guardian

Shri Ravindra Baburao Sawant

.. Petitioner

VS.

State of Maharashtra and ors.

.. Respondents

Mr. Chintamani K. Bhangoji, for petitioner.

Mr. P. P. Kakade, GP a/w Mr. V. M. Mali, AGP for State.

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

DATE : AUGUST 4, 2022

P.C. :

1. The application filed by the petitioner for issuance of the caste certificate as belonging to Koli Mahadev, Scheduled Tribe is rejected. The appeal filed against the said order is also rejected. Hence, this writ petition.

2. Learned counsel for the petitioner submits that father of the petitioner has been granted a caste certificate as belonging to Mahadev Koli Scheduled Tribe. There are three documents placed on record of the near paternal relatives of the petitioner. However, the same have not been considered.

3. Learned AGP submits that Sub-Divisional Officer has considered all the documents on record for arriving at the right and proper conclusion.

4. We have heard learned counsel for the petitioner and learned AGP.

5. Only because in the documents, the caste is mentioned as Mahadev Koli that could not be the ground to negate the claim of the petitioner. In the caste certificate, caste is mentioned as Mahadev Koli instead of Koli Mahadev.

6. We have also perused the old documents of great grandfather of the petitioner wherein caste is recorded as Mahadev Koli. Father of the petitioner is already issued with the certificate of Koli Mahadev, Scheduled Tribe.

7. It is trite that the authorities are required to issue caste certificate upon prima facie satisfaction of the claim of the applicant and no detailed inquiry is contemplated at the stage of issuance of caste certificate. Thus, prima facie satisfaction is sufficient. Even otherwise caste certificate has to undergo the acid test in validity proceedings.

8. In the light of the above observations, impugned order is quashed and set aside.

9. The Sub-Divisional Officer shall issue caste certificate to the petitioner of Koli Mahadev Scheduled Tribe, preferably within four weeks from today. Such certificate certainly shall be subject to the validation proceedings.

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

(M. S. KARNIK, J.)

(S. V. GANGAPURWALA, J.)