

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

**WRIT PETITION NO.8810 OF 2022**

Jaydeep Mohan Sane

...Petitioner

Vs.

State of Maharashtra & Ors.

...Respondents

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Mr. C. K. Bhangoji for the Petitioner.

Smt. S. S. Bhende, Assistant Government Pleader for the Respondent-State.  
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**CORAM : NITIN W. SAMBRE &  
SHARMILA U. DESHMUKH, JJ.**

**DATED : 13 DECEMBER 2022.**

**P. C. : (Per Sharmila U. Deshmukh, J.)**

Petitioner's application for issuance of Tribe Certificate has been rejected by Respondent No.3-Sub-Divisional Officer, Pune by order dated 20/12/2021, which order has been maintained by Respondent No.2-Scrutiny Committee while dismissing the appeal.

2. Heard Mr. C. K. Bhangoji, Learned Counsel for the Petitioner and Smt S. S. Bhende Learned Assistant Government Pleader for the Respondents.

3. The Petitioner has applied to Respondent No.3-Competent

Authority for grant of caste certificate as belonging to Koli Mahadev, Scheduled Tribe and in support of his application furnished the caste certificate granted in favour of his father viz., Mohan Sane, school leaving certificate of his father in which tribe entry is recorded as Mahadev Koli and date of admission is recorded on 1/6/1966, the school leaving certificate of his paternal aunt Indu Sane in which entry of caste is recorded as Mahadev Koli, school leaving certificate of his uncle Mohan Raghu Sane wherein the entry of caste is Mahadev Koli and date of admission is recorded as 1/6/1966 and the genealogy to prove the relationship with paternal uncle Mohan and aunt Indu Sane.

4. We have perused the order of the Competent Authority. The solitary ground on which the Petitioner's application for tribe claim certificate has been refused is non-production of pre-1950 document of Haveli Taluka. Appeal preferred before the Scrutiny Committee has also been dismissed upholding the ground taken by the Competent Authority in rejecting the application of the Petitioner. We find from the order of the Competent Authority that there is no discussion on the documents which are submitted by the Petitioner pertinently, the caste certificate which has been issued to the Petitioner's father Mr. Mohan Sane.

5. Considering the documents which are produced on record by the Petitioner in our opinion, sufficient *prima facie* evidence has been produced by the Petitioner for substantiating his claim for issuance of the tribe certificate. Various decisions of this Court which have been annexed to

the petition from page No.32 to 45 of the Petition reiterate the position of law that the Competent Authority upon *prima facie* satisfaction of the claim of the Applicant is required to issue tribe certificate and at the stage of issuance of tribe certificate, there is no detailed inquiry contemplated. In the present case, since the father of the Petitioner hold valid caste certificate there was no impediment in issuing the caste certificate to the Petitioner. It was not required of the Petitioner to produce pre 1950 document and even otherwise after issuance of caste certificate, necessary detailed inquiry will be undertaken, while validating the same.

6. Considering the above, the following order is passed:

- i) The impugned order dated 20/12/2021 passed by Respondent No.3 and order dated 11/3/2022 passed by the Appellate Authority are hereby quashed and set aside.
- ii) Respondent No.3-Sub-Divisional Officer, Haveli Dist. Pune is directed to issue caste certificate as applied for by the Petitioner within a period of 4 weeks from today.

7. The Writ Petition is disposed of in the above terms.

(SHARMILA U. DESHMUKH, J.)

( NITIN W. SAMBRE, J.)