

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5583 OF 2022

Shivaji Kisan Yadav & Anr. ... **Petitioners**
Versus
The State of Maharashtra & Ors. ... **Respondents**

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

Smt. A. A. Purav, AGP for the Respondents/State.

**CORAM: S.V. GANGAPURWALA &
 M. G. SEWLIKAR, JJ.**

DATED : MAY 5, 2022

P.C.

1. Leave to amend the cause title.
2. The application filed by the petitioner to issue caste certificate is rejected. Appeal is dismissed by the Committee.
3. The learned Counsel for the petitioner submits that grandfather is issued with the caste certificate of Koli Mahadev Schedule Tribe. The grandfather of petitioner No.2 is also issued with certificate of Koli Mahadev. The caste certificate is also issued to brother of petitioner No.2 of Koli Mahadev. The school record of the petitioner No.2 also record as caste 'Koli Mahadev'. The Committee has rejected the application of the petitioner only on the ground that old document did not exists.

4. Heard the learned AGP.

5. It is trite that while issuing caste certificate the Authorities have to be prima facie satisfied. The Committee has observed that the petitioners have failed to produce the document prior to 6th September 1950 i.e. prior to issuance of Notification. At this stage, prima facie satisfaction is sufficient. The brother of the petitioner is issued with caste certificate of Koli Mahadev. The grandfather of petitioners are issued with the caste certificate of Koli Mahadev S.T. Even otherwise, after the caste certificate is issued, the same has to undergo acid test before the Scrutiny Committee while validating it. Considering the above, we pass the following order :

ORDER

- (i) The impugned order dated 8th March 2019 passed by the Respondent No.2/Appellate Authority and the order of Sub-Divisional Officer are quashed and set aside.
- (ii) The Sub-Divisional Officer, Wai shall issue caste certificate to the petitioners as 'Koli Mahadev'.
- (iii) The writ petition is accordingly disposed of. No costs.

(M. G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)

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