

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.9953 OF 2022**

Dnyaneshwar Vitthal Zade ... Petitioner

V/s.

State of Maharashtra and Anr. ... Respondents

WITH**WRIT PETITION NO.9950 OF 2022**

Shubham Shantaram Zade ... Petitioner

V/s.

State of Maharashtra Thr. And Ors. ... Respondents

WITH**WRIT PETITION NO.9984 OF 2022**

Ramchandra Maruti Zade ... Petitioner

V/s.

State of Maharashtra and Ors. ... Respondents

WITH**WRIT PETITION NO.9951 OF 2022**

Tejas Shantaram Zade ... Petitioner

V/s.

State of Maharashtra Thr. Secretary, Tribal
Development Dept. and Ors. ... Respondents

WITH**WRIT PETITION NO.10037 OF 2022**

Vishranti Ramdas Zade and Ors. ... Petitioners

Thr. Their Father and Natural Guardian

V/s.

State of Maharashtra Thr. Its Secretary Tribal
Development Dept and Ors. ... Respondents

WITH**WRIT PETITION NO. 9952 OF 2022**

Ravindra Suresh Zade ... Petitioner

V/s.

State of Maharashtra Thr. Its Secretary Tribal
Development and Anr.

... Respondents

**WITH
WRIT PETITION NO.9986 OF 2022**

Ramdas Genu Zade

... Petitioner

V/s.

State of Maharashtra Thr. Secretary,
Tribal Development Dept. and Ors.

... Respondents

Mr. Chintamani K. Bhangoji, Advocate for the Petitioners in all Petitions.
Mr. N.C. Walimbe, AGP for the Respondent – State in all Petitions.

**CORAM : S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : 23rd AUGUST 2022

PC. :

1. Heard the learned counsel for the Petitioners. Application filed by the Petitioners for issuance of caste certificate belonging to 'Koli Mahadeo' Scheduled Tribe is rejected by the Sub-Divisional Officer and confirmed by the Appellate Authority.

2. With the assistance of the learned Advocate for the Petitioner and the learned AGP, we have perused the documents in the order passed by the Sub-Divisional Officer as well as the Committee.

3. The Committee in a slipshod manner has passed the impugned order. The Committee has failed to even consider a single document placed before it. The Committee is expected to decide the matter in all seriousness and not in a casual manner. The Petitioners have produced on record the document i.e. the school entry of the grandfather of Dnyaneshwar Zade of the year 1950 recording the caste as 'Koli Mahadeo'. If the Committee had some doubt about the document, the Committee ought to have recorded the same in the order. The same has been totally ignored. It is also stated that the father of the Petitioner Dnyaneshwar is also issued with the caste certificate of 'Koli Mahadeo' Scheduled Tribe. All these Petitioners are related to each other and coming from the same family. Their grandfather, aunt, real aunt documents are on record. Same ought to have been considered. Even the Petitioners' father, uncle are issued with the caste certificate. Same also was required to be considered.

4. If the father, brother or uncle are granted with the caste certificate, the same would be a prima facie case. Considering the old documents produced by the Petitioner and also caste certificate issued in favour of the father or real uncle, the Petitioner has made out a

prima facie case.

5. It is trite that while issuing caste certificate, long drawn inquiry is not contemplated. At this stage, prima facie satisfaction of the authority is sufficient. Even otherwise, after the caste certificate is issued, the same has to undergo acid test before the Scrutiny Committee while validating it. In the light of the above, the impugned orders are quashed and set aside.

6. The concerned Sub-Divisional Officer shall issue caste certificate to the Petitioners of 'Koli Mahadeo' Scheduled Tribe preferably within six weeks. Writ Petitions are accordingly disposed of. No costs.

(MADHAV J. JAMDAR, J)

(S.V. GANGAPURWALA, J)

PALLAVI
MAHENDRA
WARGAONKAR
Digitally signed
by PALLAVI
MAHENDRA
WARGAONKAR
Date:
2022.08.25
15:10:53
+0530