

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10104 OF 2022

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|------------------------------------|---|------------------------|
| 1. Anand s/o Vitthal Mane (Koli). |] | |
| 2. Yongesh s/o Ananda Mane (Koli). |] | |
| 3. Aruna d/o Ananda Mane (Koli). |] | |
| 4. Ishwari d/o Ananda Mane (Koli) |] | ...Petitioners. |

Versus

The State of Maharashtra & Others. **..Respondents.**

Mr. Prafullasingh H. Patil i/b Vaishali B. Suryawanshi for the Petitioners.
Mr. V. M. Mali, AGP for the Respondent-State.

CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.

Date : December 13, 2022.

P. C. [Per Sharmila U. Deshmukh, J.] :

1. The Petitioners are related to each other and claim to belong to *Koli Mahadev* tribe, a scheduled tribe. Applications were filed by the Petitioner Nos.2 to 4 through their father-Petitioner No.1 for issuance of tribe certificates, which have been rejected by the Sub Divisional Officer (for short "*the SDO*") by his order dated 27th July, 2021 and the appeal preferred against the order of SDO has been dismissed by Respondent No.2-Tribal Caste Certificates Scrutiny Committee (for short "*the Committee*") by order dated 29th June,

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2. Heard learned counsel appearing for the respective parties.

3. Learned counsel for the Petitioners submits that inspite of sufficient *prima facie* material placed on record which satisfied the requirement for issuance of tribe claim certificate, the Petitioners claim has been rejected on the ground that the Petitioners have not submitted pre-1950 evidence of revenue records regarding blood relatives and validity certificates of their blood relatives. Learned AGP has supported the order and prays for appropriate order from this Court.

4. To substantiate their tribe claim, the Petitioners have produced the school leaving certificates of Petitioner Nos.2 and 3 showing their caste as *Koli Mahadev*, the extract of general register of the school as regards Petitioner No.4 recording the caste as *Koli Mahadev*, the certificates issued by the Police Patil and Sarpanch, Soni, taluka Miraj, district Sangli certifying that Petitioner Nos.2 to 4 as belonging to *Koli Mahadev* caste pursuant to local inquiry. The Petitioners have relied upon the caste certificate of *Koli Mahadev* issued to Shivaji Bhau Mane, the son of cousin brother of Petitioner No.1 by Executive Magistrate on 27th April, 1979.

5. Despite the production of the aforesaid material, the Respondent No.2 has not considered the same in proper perspective and rejected the Petitioners claim. In our opinion, the Petitioners have produced sufficient material on record to draw a conclusion at least *prima facie* that they belong to *Koli Mahadev* tribe and particularly in view of the tribe certificate issued to Shivaji Bhau Mane. All that is required is a *prima facie* satisfaction and an in-depth enquiry is contemplated at the time of validation of the tribe certificate. Merely on the basis of tribe certificate, no benefits can be claimed under the government policies in the matter of employment or education unless the person is armed with the tribe validity certificate, in which case an in-depth inquiry is contemplated.

6. In the circumstances, the Petitioners are entitled to receive the certificate from the Competent Authority. Writ petition is allowed in the following terms :

- [i] The order passed by Respondent No.2-Committee dated 29th June, 2022 and the order of Respondent No.3-SDO dated 27th July, 2021 whereby the claim of Petitioners for issuance of tribe certificates has been

rejected, are hereby quashed and set aside.

- [ii] Respondent No.3-SDO is directed to issue tribe certificates to each of the Petitioners as expeditiously as possible and preferably within a period of six weeks from today.
- [iii] Needless to clarify that the observations made in the present order are only for the limited purpose of issuance of tribe certificates and the Scrutiny Committee while considering the validation of tribe certificates is required to conduct an enquiry in accordance with law, uninfluenced by the observations made in the present order.

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]