

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

WRIT PETITION NO. 11090 OF 2022

Akshay Balasaheb Bhale

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

YUGANDHARA
SHARAD
PATIL

Digitally signed by
YUGANDHARA
SHARAD PATIL
Date: 2022.09.26
10:44:15 +0530

Mr. Manish Kelkar for the Petitioner.

Mrs.M.P. Thakur AGP for the State.

CORAM : S.V. GANGAPURWALA &

R.N. LADDHA, J.J.

DATED : 22nd SEPTEMBER 2022

P.C. :-

1. The petitioner has applied for issuance of caste certificate as belonging to Koli Mahadev-Scheduled Tribe. Sub Divisional Officer has rejected the said application relying upon area restriction. The appeal filed by the petitioner is also dismissed.

2. We have heard learned counsel for the petitioner and learned AGP for respondents.

3. The area restriction stands abolished. That cannot be a ground to reject the application of petitioner for issuance of caste certificate.

4. The petitioner claims to have relied upon the caste certificate issued to his real brother namely Akshay on

02.04.2020. He also relied upon birth extract of his grand father of the year 1923.

5. It is trite that at the stage of deciding application for issuance of caste certificate, long drawn inquiry is not contemplated. Prima facie satisfaction is sufficient.

6. Petitioner's real brother has been issued caste certificate of Koli Mahadev Scheduled Tribe. The Petitioner has placed on record birth certificate of the grand father of the year 1923 recording caste as Mahadev Koli.

7. In light of the above, there is no impediment for issuing caste certificate to the petitioner. Of course, said caste certificate will be subject to acid Test during the validity proceeding.

8. In light of the above, impugned orders are quashed and set aside. Sub Divisional Officer shall issue caste certificate to the petitioner of Koli Mahadev Scheduled Tribe preferably within 15 days from receipt of this order.

9. The Writ petition is disposed of. No costs.

(R.N.LADDHA, J.)

(S.V. GANGAPURWALA, J.)