

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 4543 OF 2023

Sainath S/O Raghunath Bailwad
Age 30 years, Occu. Student,
R/o Kopara, Tq. Kinwat, Nanded
Maharashtra 431810.

... **Petitioner**

Versus

1. The State of Maharashtra
Through its Secretary of Social Welfare
Dept., Mantralaya, Mumbai-32,
2. The Scheduled Tribe Certificate
Scrutiny Committee Aurangabad.
3. The Sub Divisional Officer,
Kinwat, Nanded.

... **Respondents**

...
Ms. Manisha Digambar Deshmukh, Advocate for Petitioner.
Mr. S. P. Tiwari, AGP for Respondents/State.
...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 25th April, 2023.

ORAL JUDGMENT: (Per Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally by
the consent of the parties.

2. The Petitioner is aggrieved by the order dated 20th November, 2019 passed by the Sub Divisional Officer, Kinwat and the order dated 10th October, 2022 passed by the competent committee, vide which, both the authorities have refused to believe that the Petitioner is eligible to be issued a “Koli Mahadev” Scheduled Tribe certificate.

3. It is obvious that the Petitioner is only seeking a “Koli Mahadev” Scheduled Tribe certificate. The family tree on affidavit mentions that the Petitioner’s father Raghunath has a “Koli Mahadev” Scheduled Tribe certificate. The grandfather of the Petitioner, Madhav Nagoba, whose school entry of 28th June, 1940, indicates “Koli Mahadev” as his social status. Petitioner’s biological uncle Ramdas, son of Madhav, also has a “Koli Mahadev” Scheduled Tribe certificate.

4. It is well settled that the authorities have to make a *prima-facie* assessment as to whether the Petitioner could belong to a particular category. The onus and burden is on the Petitioner to establish, on the basis of the record, that he belongs to a particular category. Seeking a caste or tribe certificate does not amount to seeking validation of the claim of belonging to a particular caste or tribe. When the father of the Petitioner, his grandfather and his

biological uncle, have been issued with such certificates, this would be enough material to place reliance upon, while issuing such certificate.

5. The contention of the committee is that the Petitioner did not place on record, copies of the caste certificates of his father, uncle and grandfather. However, these documents were placed before the Sub Divisional Officer, who has recorded accordingly in Clause (2) of the impugned order. As such, this contention is fallacious.

6. In view of the above, **this Petition is allowed.** The impugned orders are quashed and set aside. Respondent No.2 is directed to issue the “Koli Mahadev” Scheduled Tribe certificate to the Petitioner, within 30 days.

7. It be noted that this order would not create any equities in favour of the Petitioner and if the Petitioner or his father or his uncle or his grandfather, decide to seek validity of their certificates, this order will not be cited as a ground for seeking such validation.

8. Rule is made absolute in the above terms.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE J.]