

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO.12305 OF 2023

TEJASWINI SUDAM BANATE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND ANOTHER

...
Advocate for Petitioners : Mr. Choudhari Deepak D.
AGP for the respondent – State : Mr. A.S. Shinde
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 12 OCTOBER 2023

PC :

Heard both sides.

2. The petitioners who already possess tribe certificate of Koli Mahadev are aggrieved by the individual orders passed by the competent authority in each matter refusing to issue tribe certificate, for the reasons recorded therein, oblivious of the fact that the petitioners were merely seeking fresh tribe certificates in the prescribed Form – C. It appears that due to the communication gap, the applications submitted by the petitioners online have been treated by the competent authority as fresh applications and has passed the impugned orders by resorting to independent scrutiny as if the petitioners were seeking certificates for the first time.

3. It is being pointed out that the petitioner's father possesses a certificate of validity.

4. If the petitioners were merely seeking the certificates which were already issued to them only in a proper form, their request could not have been treated as a request for fresh certificate.

5. The writ petition is allowed and the impugned orders are quashed and set aside. The respondent no.2 who is the competent authority, shall issue tribe certificates to the petitioners of Koli Mahadev scheduled tribe in the prescribed form 'C' as expeditiously as possible and in any case within two weeks.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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