



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 WRIT PETITION NO. 10888 OF 2024

1. Madhavi Shashikant Koli
 2. Jayesh Shashikant Koli
 3. Vaibhavi Shashikant Koli
- ...Petitioners

Versus

1. The State of Maharashtra
 2. The Joint Commissioner
Scheduled Tribe Certificate
Committee, Dhule
 3. The Sub Divisional Officer
Dhule
- ...Respondents

...

Advocate for the Petitioner : Mr. Thorat Mohanish V
AGP for Respondents: Mr. P.S. Patil

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**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATED : 11 OCTOBER 2024.**

PER COURT :-

The petitioners are challenging the orders of competent authority refusing to issue them 'Tokre Koli' scheduled tribe certificates and it has been sustained by the committee in an appeal under Section 5 of the Maharashtra Act No. XXIII of 2001.

2. Perusal of both these orders at the end of the hearing, reveals that there is no reference to caste certificate of the petitioners' father Shashikant, which is placed in this petition at

Exh."A', purportedly issued on 28.05.1990.

3. Learned advocate for the petitioners submits that father's caste certificate was before the competent authority as well as the committee, but for the reasons best known to them, they have not made any reference to it. He also addressed us on merits, independently.

4. Having heard learned advocate for the petitioners and learned A.G.P., it transpires that in absence of even any hint in both the orders about the genuineness of the caste certificate of the petitioners' father, this being merely an issue regarding issuance of similar caste certificate to the petitioners, no other enquiry would be required, if it is found out that the caste certificate issued to the father is genuine one.

5. The approach of the competent authority and the committee in the appeal, expecting the petitioners to prove that they belong to a particular caste or tribe itself is incorrect when the certificate issued is subject to validation under Section 7 of the Maharashtra Act No. XXIII of 2001, when such enquiry can be undertaken if and when petitioners are issued certificates.

6. In the light of above, we allow the petition partly.
7. Both the orders are quashed and set aside.
8. The matter is relegated to the respondent no.3 competent authority for being decided afresh by taking into consideration the petitioners' claims, on the basis of caste certificate possessed by their father Shashikant Khandu Koli, dated 28.5.1990 (Exh. "A", page 16 of petition paper book). If the certificate is found to be genuine, the competent authority shall issue the caste certificates to the petitioners of 'Tokre Koli', in the prescribed format.
9. The decision shall be taken by the competent authority within two weeks.
10. The petitioners shall remain present before the competent authority on 14.10.2024.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL , J.)

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