

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

WRIT PETITION NO.12803 OF 2023

Anusaya D/o Bhimrao Koli and Anr.Petitioners

Vs.

The State of Maharashtra and Anr.Respondents

Ms. Vaishali Suryawanshi for the Petitioner.

Mr. V. M. Mali, AGP for the State.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 30th JANUARY, 2025

P.C. :-

1. This is yet one more case of fanciful rejection of the request for seeking a Caste Certificate of Koli Mahadev Scheduled Tribe, when the biological father and grand- father have such Certificates.

2. The learned AGP has made a valiant effort to defend the impugned orders. However, he cannot overcome the fact, on the basis of the record, that the biological father of the Petitioners and

many of their close relatives from the paternal side have been granted the Tribe Certificate of Koli Mahadev. Almost four documents relied upon by the Petitioners, date back to the pre-independence era, supporting the claim of the Petitioners.

3. In several matters we have imposed nominal costs on the S.D.O. as well as the Members of the Committee, who have mechanically rejected the claims of the candidates as like the Petitioners. Time and again, we have cautioned the S.D.O. as well as the Committee Members, that when the paternal blood relatives have received the Caste Certificate, the Committee can not deny issuance of a Certificate. When the law laid down in *Apoorva D/o Vinay Nichale Vs Divisional Caste Certificate Scrutiny Committee No.1 and Ors.* 2010 SCC OnLine Bom 1053 is applicable while granting validity Certificates, we fail to understand why the claims of such candidates are refused.

4. In view of the above, **this Writ Petition is allowed** in terms of prayer clauses (b) and (c), which read as under :-

***“B]** By appropriate Writ in the nature of Certiorari or any other writ of like nature or with appropriate directions or orders the impugned judgments and orders dated 08.11.2021*

and 11.03.2022 passed by Respondent No.2 and 3 may be please to quash and set aside.

C] By appropriate Writ in the nature of Certiorari or any other Writ of like nature or with appropriate directions or orders it may be declared that the Petitioners belongs to Scheduled Tribe “Koli Mahadev” and directions may be given to the Respondent no.2 and 3 to issue the certificate or “Koli Mahadev” Scheduled Tribe in “C format” of the state and in Center government format to the petitioners within a stipulated period for which the petitioners are entitled for.”

5. Needless to state, the requisite procedure shall be followed and Koli Mahadev Scheduled Tribe Certificates would be issued to both the Petitioners, within 30 days from today.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)