

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5226 OF 2015

Akshay Bhagwan Tinganwar
and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri P. V. Jadhavar, Advocate for Petitioners.
Shri P. N. Mule, A.G.P. for Respondent Nos. 1 and 3.
Shri K. D. Bade Patil, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.
DATE : 07TH MAY, 2015.**

PER COURT :

. Mr. Jadhavar, the learned counsel submits that, the application for issuance of tribe certificate is rejected by the Sub Divisional Officer. The same is upheld by the Committee. According to the learned counsel, there is no contra evidence. Even the father is also issued with caste certificate as belonging to Mannervarlu (S.T.). This Court in Writ Petition No. 5687 of 2014 has directed the Sub Divisional Officer to issue tribe certificate in favour of the real cousin of the petitioner.

2. Mr. Bade Patil, the learned counsel for the Committee submits that, the Committee has considered all the relevant

aspects of the matter and has rightly dismissed the appeal.

3. We have also heard the learned Assistant Government Pleader.

4. It is not disputed that, the father of the petitioner has been issued with tribe certificate as belonging to Mannervarlu (S.T.). This Court vide order dated 08.07.2014 in Writ Petition No. 5687 of 2014 has directed the Sub Divisional Officer to issue tribe certificate in favour of real cousin of the petitioner.

5. It is trite that, at the time of issuance of tribe certificate long drawn enquiry and investigation is not necessary. The authority has to prima facie satisfy itself on the basis of documents produced before it. Of course, the said certificate will have to undergo the acid test in validation proceedings.

6. Considering the order of this Court dated 08th July, 2014 in Writ Petition No. 5687/2014 and also considering the fact that, father of the petitioner is also issued with tribe certificate as belonging to Mannervarlu (S.T.), the impugned orders are quashed and set aside. The respondent No. 3 shall issue tribe certificate to the petitioner of Mannervarlu (Schedule Tribe). The writ petition accordingly is disposed of. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/May 15