

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

WRIT PETITION NO.7013 of 2015

1. Rahul Suresh Thakur,
Age Minor, Occu: Student,
2. Kapil Suresh Thakur,
Age Minor, Occu: Student,
Through Father and Natural Guardian,
Suresh Pandit Thakur,
Age 44 years, occu: Agriculture,
R/o. Tondapur, Tal.Jamner,
Dist. Jalgaon.

...PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32
2. The Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar,
Division Nandurbar,
Through it's Member Secretary, and
Dy.Director (Research), having its Office at,
Near R.T.O. Office, Sakri Road,
Nandurbar-425412
3. Sub-Divisional Officer,
Jalgaon Division, Jalgaon.

...RESPONDENTS

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Mr.S.N.Boiwar, Adv., h/f Mr. K.T.Shirrurkar, Adv., for the
petitioner.
Mr. S.G.Karlekar, AGP for respondent State.
Mr.K.D.Bade Patil, Advocate, for respondent nos. 2 and 3.

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CORAM: R.M.BORDE
AND
P.R.BORA, JJ.

DATE : September 1st, 2015.

ORAL JUDGMENT: (Per R.M.Borde, J.)

1. Heard. Rule. Rule made returnable and heard forthwith with the consent of learned Counsel for the parties.

2. The petitioner is challenging the order passed by the Scrutiny Committee, dismissing his appeal preferred against an order passed by the Sub Divisional Officer, Jalgaon, on 4.4.2012, refusing to issue caste certificate. The petitioner claims that he belongs to "Thakur" Scheduled Tribe and, as such, tendered an application to the Sub Divisional Officer, requesting for issuance of the caste certificate. The request has been rejected by the Sub Divisional Officer, which order has been confirmed by the Scrutiny Committee.

3. The petitioner, in order to substantiate his claim, has placed reliance on a copy of the caste certificate issued in favour of his father Suresh Pandit Thakur on 5.5.1990 as well as caste certificate issued in favour of his uncle Shivaji

s/o Pandit Thakur on 30.8.1978. Apart from this, a copy of 7/12 extract in respect of land Gat No.247 of village Tondapur, taluka Jamner, district Jalgaon is placed on record wherein, in Other Rights column, entry is recorded that the land is belonging to a tribal family.

4. It does appear that there is a prima facie material available on record which is sufficient for directing issuance of the caste certificate. It is recorded in several judgments delivered by this Court that consideration for issuance of caste certificate differ from the parameters which are required to be applied while issuing caste validity certificate by the Scrutiny Committee. At the stage of issuance of caste certificate, only prima facie material is required to be scrutinized as the caste certificate is amenable to further scrutiny at the stage of issuance of validity certificate.

Considering this aspect of the matter, the impugned order passed by the Sub Divisional Officer, which has been confirmed by the Scrutiny Committee, deserves to be quashed, and the same is accordingly quashed and set aside.

(a) Respondent no.3 is directed to issue caste certificate in prescribed format in favour of the petitioner within a period of one month from today.

(b) It is made clear that the observations made here-in-above are only for the purposes of considering the claim of the petitioner for issuance of the caste certificate, and the Scrutiny Committee shall not be influenced by the same at the time of considering the claim of the petitioner for issuance of validation certificate. It would be open for the Scrutiny Committee to consider the matter on its own merits.

(c) Rule is made absolute accordingly.

In the facts and circumstances of the case, there shall be no order as to costs.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

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AGP/7013-15wp