

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.8247 OF 2015

Shankar s/o Yashwant Gangawate,
Age-25 years, Occu:Student,
Tq. & Dist-Aurangabad.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai-32,
- 2) The Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division, Aurangabad,
Through its Member Secretary,
- 3) The Sub Divisional Officer,
Aurangabad, Dist-Aurangabad.

...RESPONDENTS

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Mr.Vivek U. Jadhav Advocate for Petitioner.
Mr.A.R. Borulkar, A.G.P. for Respondent
Nos. 1 and 3.
Mr. P.S. Patil Advocate for Respondent No.2.

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**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 15TH DECEMBER, 2015

ORAL JUDGMENT [PER R.M. BORDE, J.] :

1. Heard. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, the Petition is taken up for final disposal at admissions stage.

2. Petitioner claims to be belonging to "Mannervarlu", Scheduled Tribe. The application tendered by him for issuance of caste certificate has been turned down by the Sub Divisional Officer and the said order has been maintained by the Scrutiny Committee in the appeal presented by the Petitioner.

3. The entry in the school record in respect of the caste of the Petitioner is recorded as "Mannervarlu" and the document submitted in that record has not been found suspicious. Apart from this, the Petitioner relied on the caste certificates issued in favour of his father and

cousin where-under it has been certified that they belong to "Mannervarlu", Scheduled Tribe. The Circle Inspector, who conducted the Home Inquiry, has reported that the Petitioner appears to be belonging to "Mannervarlu", Scheduled Tribe.

3. The Scrutiny Committee has adopted an adverse view merely on the ground that old school record in respect of father of the Petitioner records entry in respect of his caste as "Telgu". It shall be noted that "Telgu" is neither caste nor tribe, but is a language. The said entry recorded in the school record of father of the Petitioner cannot be considered as adverse. Apart from this, it has to be understood that an individual is not entitled to claim the benefits of Government scheme or in the matters of employment merely on the basis of caste certificate but in order to enable him to get such benefits, caste certificate issued by the competent authority needs to be validated by the

Scrutiny Committee. In number of matters it has been reiterated by this Court that the caste certificate shall be issued by the authorities on the basis of prima facie material and detailed inquiry is contemplated at the stage of issuance of validation certificate.

4. In this view of the matter, we are of the opinion that the impugned orders passed by the Sub Divisional Officer and Scrutiny Committee need to be quashed and set aside and the Sub Divisional Officer shall have to be directed to issue caste certificate as requested by the Petitioner.

5. The impugned orders passed by the Respondent No.2 - Sub Divisional Officer and Respondent No.3 - Scrutiny Committee are quashed and set aside. The Sub Divisional Officer is directed to issue caste certificate in favour of the Petitioner, as belonging to "Mannervarlu", Scheduled Tribe, as expeditiously as possible,

preferably within FOUR WEEKS from today.

6. Rule is accordingly made absolute in
above terms. There shall be no order as to costs.

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

asb/DEC15

[R.M. BORDE, J.]