

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 745 OF 2015

Govinda s/o Janardhan Gaikwad
Age Minor, Occu-Student
Under Guardian
Sunita w/o Janardhan Gaikwad
Age 37 years, Occ-Household
R/o Chikhalthana, Aurangabad
Tq. & Dist.Aurangabad.

.. PETITIONER

VERSUS

- 1] The State of Maharashtra
Through its Secretary
Tribal Development Department
Mantralaya, Mumbai-32

[Copy to be served on Government
Pleader, High Court of Judicature
of Bombay, Bench at Aurangabad]

- 2] The Scheduled Certificate Scrutiny Committee
Aurangabad Division, Aurangabad
Through its Deputy Director ®
Aurangabad.

- 3] The Sub Divisional Officer
Aurangabad
Tq. & Dist.Aurangabad.

..RESPONDENTS

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Shri P.V.Jadhavar,Adv. For petitioner
Shri K.J.Ghute Patil,AGP for respondent nos.1 and 3.
Shri P.S.Patil,Adv. For respondent no.2.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 21st January, 2015.**

ORAL JUDGMENT [PER S.V.GANGAPURWALA,J.] :

Rule. Rule made returnable forthwith. With the consent of parties, taken up for final hearing.

2] Shri Jadhavar, learned counsel for petitioner submits that this court in Writ Petition No.7765/12 vide order dated 26/6/2013, had directed the present respondent no.3 to issue tribe certificate in favour of both real sisters of the present petitioner.

3] According to the learned counsel, there is voluminous record to show that the petitioner belongs to Thakur Scheduled Tribe.

4] Mr.Patil, learned counsel for respondent no.2 and learned AGP for respondent nos.1 and 3 submit that even prima facie claim of the petitioner could not be proved, as such the order has been rightly passed.

5] It is trite that at the time of issuance of tribe certificate a long drawn enquiry and investigation is not contemplated. The Court is to be prima facie satisfied about the case made out by petitioner. Now the tribe certificate issued would always be subject to the detail scrutiny at the time of validation proceedings.

6] Even otherwise, this Court vide order dated 26/6/2013 in Writ Petition No.7765/12 with other connected Writ Petitions has already directed the authorities to issue tribe certificate in favour of two real sisters of the present petitioner.

7] In light of that, the impugned orders are quashed and set aside. Respondent no.3 shall issue the tribe certificate of Thakur Scheduled Tribe to the petitioner. Writ Petition is accordingly disposed of. Rule made absolute. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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