

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9401 OF 2015

Babarao s/o Venkati Mundkar,
age: 55 years, Occ: Agril.,
R/o Wanjarwadi, Tq. Naigaon (Kh),
District Nanded.

Petitioner

Versus

01 The State of Maharashtra,
through the Secretary to
Tribal Development Department,
Mantralaya, Mumbai.

02 The Scheduled Tribe Certificate
Verification Committee,
Aurangabad, through its
Deputy Director ®, Aurangabad.

03 The Tahsildar,
Biloli, District Nanded.

Respondents

Mr.Sunil M. Vibhute, advocate for the petitioner
Mrs.A.V.Gondhalekar, A.G.P. for Respondents No.1 and 3.
Mr.P.S.Patil, advocate for Respondent No.2.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 29th September, 2015

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

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The petitioner is objecting to the order dated 06.12.2013/17.12.2014, passed by the Scrutiny Committee, thereby

cancelling and confiscating the tribe certificate issued in favour of the petitioner certifying that he belongs to "Mannevarlu", Scheduled Tribe. The Scrutiny Committee refused to verify caste/tribe certificate of the petitioner solely on the ground that said certificate issued by the Tahsildar does not record his surname. The Scrutiny Committee has granted liberty to the petitioner to secure tribe certificate afresh from the Sub Divisional Officer and to present same to the Scrutiny Committee for verification.

3 In the facts and circumstances of this case, this petition can be disposed of by directing the Sub Divisional Officer to issue tribe certificate in favour of the petitioner. The petitioner shall tender an application to the Scrutiny Committee within a period of four weeks from today with a request to supply photostat /certified copy of the caste/tribe certificate submitted by him before the Scrutiny Committee; and on receipt of the application, the Scrutiny Committee shall issue photostat / certified copy of the caste/tribe certificate produced by the petitioner for verification, within a period of one week from the date of receipt of such application. Within a period of one week from receipt of the photostat / certified copy, the petitioner shall tender an application in the prescribed proforma along with photostat / certified copy of the caste/tribe certificate to the Sub Divisional Officer requesting him to issue caste/tribe certificate. On receipt of the application, the Sub Divisional Officer, without further embarking upon any inquiry, shall issue caste/tribe certificate in favour of the petitioner recording his name, father's name and surname, certifying that he belongs to Mannervarlu, Scheduled

Tribe, within a period of one week from the date of receipt of the application. The Sub Divisional Officer shall not refuse to issue caste/tribe certificate on any other ground and shall issue the same as directed by us within the time stipulated above.

4 Rule is accordingly made absolute. There shall be no order as to costs.

P.R.BORA
JUDGE

adb/wp940115

R.M.BORDE
JUDGE