

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

WRIT PETITION NO.9549 OF 2015

Sushilabai w/o Bapurao Boinwad
@ Sushilabai d/o Ganpati Puttewad
Age: 55 Yrs., occu. Household,
R/o village Sunegaon, Tq. Loha,
District Nanded.

- **PETITIONER**

VERSUS

- 1) The State of Maharashtra
Its Secretary,
Tribal Development Deptt,
Mantralaya, Mumbai-32.
- 2) The Sub Divisional Officer,
Kandhar, Tq. Kandhar,
District Nanded.

- **RESPONDENTS**

Mr.Arun H.Koralkar, Advocate for Petitioner;
Mr.US Mote,AGP for Respondents.

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

DATE : 22nd September,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 admission stage.

2) The petitioner is objecting to order dated

7.9.2015, passed by Sub Divisional Officer, Kandhar, refusing his claim for issuance of a caste certificate.

3) The petitioner has pointed out that the caste certificates issued in favour of his real brother and son have been validated by the competent authority. There is *prima facie* evidence placed on record to establish that the petitioner is entitled to secure at least tribe certificate.

4) It is well-established that a tribe certificate issued to an individual belonging to a reserved category is always subject to validation by the competent Caste Scrutiny Committee and unless such order of validation is issued, such an individual is not entitled to claim the benefits either under the Government Scheme/policy for employment or for educational purposes.

5) In the peculiar facts and circumstances of the case, the impugned order dated 7.9.2015, passed by Sub Divisional Officer, Kandhar, refusing claim of the petitioner for issuance of a caste certificate,

is quashed and set aside and Respondent No.2 is directed to issue a tribe certificate in favour of the petitioner certifying that the petitioner belongs to "Koli Mahadev", scheduled tribe, as expeditiously as possible and preferably within a period of four weeks from today.

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

sd/-
(P.R.BORA)
JUDGE

sd/-
(R.M.BORDE)
JUDGE

bdv/