

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

WRIT PETITION NO.10110 OF 2015

Yash S/o Sanjay Holkar,
Age: 17 years, Occu. Student,
R/o. Ghospuri,
Tq. & Dist.Ahmednagar.

...Petitioner.

Versus

1. The State of Maharashtra,
Secretary, Tribal Dev. Dept.
Mantralaya, Mumbai-32.
2. Scrutiny Committee for Scheduled
Tribes, Nashik,
Through Vice-Chairman.
3. The Sub Divisional Officer,
Ahmednagar.

... Respondents.

...

Mr.S.M.Kulkarni, Advocate for Petitioner;
Mr.U.S.Mote, AGP for Respondent No.1 & 3;
Mr.P.S.Patil, Advocate for Respondent No.2

.3759-14wp..

WITH

WRIT PETITION NO.10112 OF 2015

Vijay S/o Dattatraya Holkar,
Age: 17 years, Occu. Student,
R/o. Ghospuri,
Tq. & Dist.Ahmednagar.

...Petitioner.

Versus

1. The State of Maharashtra,
Secretary, Tribal Dev. Dept.
Mantralaya, Mumbai-32.
2. Scrutiny Committee for Scheduled

Tribes, Nashik,
Through Vice-Chairman.

3. The Sub Divisional Officer,
Ahmednagar.

... Respondents.

...

Mr.S.M.Kulkarni, Advocate for Petitioner;
Mr.U.S.Mote, AGP for Respondent No.1 & 3;
Mr.K.D.Bade-Patil, Advocate for Respondent No.2.

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

DATE : **12th October,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 petitions are taken up for final disposal at admission stage.

2) The petitioners are aggrieved by the order issued by Sub Divisional Officer, Ahmednagar, refusing to make corrections in the tribe certificate issued in their favour. The petitioners claim to belong to "Koli Mahadev", scheduled tribe and they possess the tribe certificate, certifying that they belong to "Mahadev Koli", scheduled tribe, by the competent authority.

3) It cannot be a matter of dispute that

"Mahadev Koli" tribe is not recorded in the Constitutional Order, however, the correct nomenclature of the tribe is "Koli Mahadev". The petitioners were as such required to secure correct tribe certificate, indicating their tribe.

4) The petitioners also contend that in case of petitioner in WP No.10110/2015, his father is in receipt of tribe validation certificate issued by the competent committee on 7.4.1998, certifying that he belongs to tribal community; whereas so far as the petitioner in writ petition in WP No.10112/2015, is concerned, his father as well as two real brothers are recipient of the tribe validation certificate issued by the competent scrutiny committee.

5) It is settled principles that caste or tribe certificates are to be issued on the basis of prima facie material and the recipient of the certificate is entitled to secure the benefits in employment or any other benefit receivable from the Government only upon production of tribe validation certificate.

6) At the time of issuance of validation

certificate, the Scrutiny Committee is expected to conduct a detailed inquiry and on reaching satisfaction regarding merits of claim, issue the validation certificate. Merely because the directions have been issued to furnish a caste certificate in favour of the petitioner, it does not mean that this Court has put a stamp of approval in favour of validation of the status of the petitioner and it would be open for the Scrutiny Committee to probe in detail while dealing with the tribe validation claim of the petitioner.

7) Considering these facts, it is desirable to direct the Sub Divisional Officer to issue corrected tribe certificate in favour of the petitioners, certifying that they belong to "Koli Mahadev" scheduled tribe, within a period of four weeks from today and it is accordingly directed. On receipt of the corrected tribe certificate, it would be open for the petitioners to tender a proposal in prescribed format directly to the Scrutiny Committee within a period of six weeks and on receipt of such proposal, the Scrutiny Committee shall proceed to deal with the tribe validation claim of the petitioner and shall

appropriate decision thereon, as expeditiously as possible and preferably within a period of one year from the date of receipt of the proposal by the Committee.

8) With the directions, as above, both the writ petitions are disposed of. Rule is accordingly made absolute in above terms. There shall be no order as to costs.

sd/-
(P.R.BORA)
JUDGE

sd/-
(R.M.BORDE)
JUDGE

bdv/