

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

WRIT PETITION NO. 10311 OF 2015

Gavalan w/o Balaji Kukalwad
@ Gavalan d/o Amrata Mirewad

... PETITIONER

VERSUS

The State of Maharashtra
& another

... RESPONDENTS

Mr. A.H. Koralkar, advocate for petitioner.
Mr. P.S. Patil, AGP for the State.

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**CORAM : R.M.BORDE &
P.R.BORA, JJ.
DATE : 14th October, 2015**

PER COURT:

1. This petition can be disposed of by directing the Sub-Divisional Officer to take decision in respect of proposal for issuance of tribe certificate certifying that petitioner belongs to Koli Mahadev Scheduled Tribe, on its own merits and, in accordance with law.

2. Application tendered by petitioner for issuance of caste certificate has been kept pending by the Sub-Divisional Officer on the ground that petitioner has not complied with certain pre-requisites. It is the contention of petitioner that her son is possessed of tribe certificate issued by the competent authority certifying that he belongs to Koli Mahadev Scheduled Tribe whereas the blood relations of petitioner from

material side are also recipients of caste certificate. It would be open for the Sub-Divisional Officer to secure affidavit from the petitioner that she has not entered into inter caste or inter tribe marriage and, proceed to take decision in the matter on the basis of available evidence.

3. It is to be considered by the Sub-Divisional Officer that tribe / caste certificate is required to be issued on the basis of prima facie satisfaction and a detailed inquiry in respect of caste / tribe status of application is not expected. The tribe certificate / caste certificate issued by the competent authority is subjected to verification and only after receipt of the validation certificate, an individual is entitled to receive the benefits in the matter of education or employment or any other Government scheme. The Sub-Divisional Officer shall bear in mind the aforesaid principle which we have pronounced in number of matters and, shall not proceed to reject the application on flimsy grounds. The Sub-Divisional officer shall take appropriate decision within a period of four weeks from today.

4. With the directions as above, writ petition stands disposed of.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

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