

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11446 OF 2015

1 Sharvesh s/o Govind Jethewar,
age: minor, Occ: student,
under guardianship of cousin
Ratan s/o Ambadas Jethewar,
age: 26 years, Occ: student,
R/o Daheli, Tq. Kinvat,
District Nanded.

2 Ratan s/o Ambadas Jethewar,
age: 26 years, Occ: student,
R/o Daheli, Tq. Kinvat,
District Nanded.

Petitioners

Versus

1 The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2 The Scheduled Caste Certificate
Scrutiny Committee,
Aurangabad Division, Aurangabad,
through its Deputy Director ®,
Aurangabad.

4 The Sub Divisional Officer,
Kinvat, Tq. Kinvat, Dist.Nanded.

Respondents

Mr.P.V.Jadhavar, advocate for petitioners
Mr.P.S.Patil, A.G.P. for Respondents No.1 & 3.
Mr.A.B.Tele, advocate for Respondent No.2.

CORAM : R.M.BORDE &

A.I.S.CHEEMA, JJ.

DATE : 24th November, 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 applications tendered by petitioners for issuance of caste/tribe certificates in their favour have been turned down by the Sub Divisional Officer, Kinvat and said order has been confirmed by the Scrutiny Committee by an order dated 31.10.2015.

3 It is not a matter of dispute that appeal preferred by one Shripal Ambadas Jethewar, real brother of petitioner no.2 and cousin of petitioner no.1 to the Scrutiny Committee, challenging decision of refusal of his request for issuance of caste/tribe certificate, came to be allowed by the Scrutiny Committee by an order dated 06.03.2014. It is also not a matter of dispute that petitioner no.2 is real brother of said Shripal Ambadas Jethewar whose appeal has been allowed by the Scrutiny Committee with a direction to the Sub Divisional Officer to issue caste certificate in his favour. We find no reason for refusal of request made by petitioners on identical considerations.

4 Learned Counsel appearing for Respondent-Scrutiny Committee states that some technical formality has not been complied with by petitioners.

5 This Court has consistently taken a view in number of judgments that parameters for considering request for issuance of caste/tribe certificate differs from the parameters which are

required to be applied while scrutinising proposal for verification of caste/tribe certificate. The caste/tribe certificate shall be issued on *prima facie* considerations by holding preliminary inquiry and that indepth analysis of the evidence is not contemplated at the stage of issuance of caste/tribe certificate. It is open for the Scrutiny Committee to scrutinize all aspects while issuing validity certificate. It is also not a matter of controversy that an individual cannot seek benefits of any Government scheme or seek employment merely on the basis of caste/tribe certificate and he is required to submit validity certificate for securing such benefits.

6 In this view of the matter, since caste/tribe certificate has been issued in favour of petitioner no.2's real brother and paternal cousin of petitioner no.1, we are of the opinion that minority view expressed by one of the Members of the Scrutiny Committee is correct one and needs to be approved.

7 In the result, order dated 31.10.2015, passed by the Scrutiny Committee on 31.10.2015, is quashed and set aside. The Sub Divisional Officer shall issue caste/tribe certificates to both the petitioners within a period of three weeks from today.

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

A.I.S.CHEEMA
JUDGE

adb/wp1144615

R.M.BORDE
JUDGE