

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

WRIT PETITION NO.1429 OF 2016

Udhav s/o Shivaji Koli
Age 25 years, Occ. Education,
R/o Harangul (Kh.),
Taluka and District Latur

... PETITIONER

VERSUS

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai – 32
(Copy to be served on the
Government Pleader,
High Court of Bombay,
Bench at Aurangabad)

2. The Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division, Aurangabad
through its Member Secretary

3. The Sub-Divisional Officer,
Latur, District Latur.

... RESPONDENTS

.....
Shri V.U. Jadhav, Advocate for petitioner
Shri A.B. Girase, Govt. Pleader for State
.....

CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.

DATED: 4th February, 2016.

ORAL JUDGMENT (PER : R.M. BORDE, J.):

1. Rule. Rule made returnable forthwith. With the
consent of learned counsel for the parties, writ petition is

taken up for final hearing at the admission stage.

2. The petitioner is objecting to the order passed by the Scrutiny Committee, turning down the appeal presented by the petitioner challenging the order of the Sub-Divisional Officer, refusing to issue tribe certificate, certifying that petitioner belongs to Koli Mahadeo – Scheduled Tribe.

3. On perusal of the documents, it is noticed that, the school record of the petitioner indicates his caste as Mahadeo Koli. So also, the caste entry in the school record of the brother and sister of the petitioner also indicates that they belong to Koli Mahadeo – Scheduled Tribe category. The father of the petitioner has been issued caste certificate by the competent authority which was also produced before the Sub-Divisional Officer together with application for issuance of the tribe certificate. The application tendered by the petitioner has been primarily rejected on the ground that there is discrepancy in the surname of the petitioner and his brother and sister.

4. An affidavit has been presented by the petitioner explaining the inconsistencies. The petitioner has stated on oath that, although the surname of his brother Sukracharya and sister Sanjivani is recorded as Narale, since they have adopted a different surname, there appears some inconsistency. The

petitioner has stated on oath that Shukracharya and Sanjivani are his real brother and sister. Apart from this, the contention of the petitioner is supported by the heirship certificate issued by the Tahsildar on 24.6.1987.

5. It has been time and again recorded by this Court in various judgments that the caste/ tribe certificates are required to be issued by the authorities on prima facie satisfaction and no indepth enquiry is contemplated at the time of issuance of the caste/ tribe certificates. An individual is entitled to secure the benefits in respect of education and employment or under various schemes of the State Government only on submission of the validation certificate. The indepth enquiry is contemplated at the stage of issuance of the validation certificate. However, it is noticed that, neither the Scrutiny Committee nor the concerned Sub-Divisional Officers have taken note of the observations made by this Court. It is expected of the State Government to issue appropriate instructions to the Sub-Divisional Officers.

6. For the reasons recorded above, the Writ Petition deserves to be allowed and same is accordingly allowed. The orders passed by the Sub-Divisional Officer and confirmed by Scrutiny Committee are quashed. The Sub-Divisional Officer is directed to issue tribe certificate certifying that the petitioner belongs to Koli Mahadeo – Scheduled Tribe as expeditiously as

possible, preferably within a period of three weeks from today.

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

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)