

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5745 OF 2016

Mayur S/o Sanjay Suryawanshi
minor, occu: student through
father & Natural Guardian
Sanjay S/o Shivdas Suryawanshi
age: 48 years, occu: service,
R/o Chicholi, tq. Yawal,
Dist. Jalgaon (At present residing
at Yashwat Nagar, Jalgaon)

Petitioner

Versus

- 1 The State of Maharashtra
through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32
- 2 The Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar
Through it's Member Secretary &
Dy. Director (Research) having it's
Office at Nandurbar, Division, Nandurbar
Near R.T.O. Office, Sakri Road,
Nandurbar 425 412
- 3 The Sub-Divisional Officer, Faizpur
Division Faizpur, Dist. Jalgaon

Respondents

Mr.K.T.Shirurkar advocate for the petitioner

Mr.A.R. Kale, AGP for Respondent No.1 to 3

CORAM : **R.M. BORDE &**
K.L.WADANE, JJ

(Date : 13th June, 2016.)

ORAL JUDGMENT***(Per: R.M. Borde, J)***

1 Heard.

2 Rule. With the consent of the parties, petition is taken up for final decision at admission stage.

3 The petitioner is objecting to the decision rendered by the Sub Divisional Officer, refusing to issue caste/tribe certificate, certifying that, he belongs to Thakur scheduled tribe community. The order passed by the Sub Divisional Officer has been confirmed by the Scrutiny committee, in view of the Judgment & order dated 17.5.2016.

4 The petitioner has placed reliance on the school record of his two real sisters in which their caste is recorded as Thakur ST. Two sisters of the petitioner have been issued caste certificates by the Competent Authority on 12.3.2004 and 4.8.2005 certifying that they belong to Thakur ST tribe. Apart from this, the grand father of the petitioner was also issued caste certificate by the Executive Magistrate, Yawal on 20.5.1982 which document was also produced to substantiate the claim of the petitioner.

5 Prima facie, there appears to be sufficient evidence placed on record by the petitioner for substantiating his claim as belonging to Thakur ST category. It is clarified by this Court in number of matters that the orders in respect of issuance of caste certificate are required to be issued only on prima facie satisfaction of issuing authority and a certificate issued by the Sub divisional Officer or any other competent authority is always open for scrutiny at the hands of the scrutiny committee. A claimant is not entitled to secure benefits either in the matter of pursuing further studies or in the matter of securing employment or any other benefits under the Policy prescribed by the Government, without producing the validity certificate. At the stage of verification of the caste certificate, all relevant aspects are required to be considered and in depth enquiry is expected to be made by the committee in respect of the caste/tribe status of the applicant.

6 In view of above, since the petitioner has prima facie established his claim for issuance of caste certificate, we direct the Sub divisional Officer to issue caste certificate in the prescribed form in favour of the petitioner, as expeditiously as possible and preferably within a period of four weeks from today. It is clarified that the caste/tribe certificate issued by the Sub

divisional Officer shall be subject to scrutiny by the competent scrutiny committee and while dealing with the matter of verification of the status/tribe claim, the scrutiny committee would be entitled to consider all relevant record and pass appropriate order in accordance with provisions of law and the observations made by this Court while directing issuance of caste/tribe certificate in favour of the petitioner shall not be construed as expression of opinion in support of claim of the petitioner. The orders impugned in the instant petition are quashed and set aside.

7 Rule is accordingly made absolute in the above terms.

8 There shall be no order as to costs.

(K.L.WADANE, J)

(R.M.BORDE, J)