

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.6766 OF 2015

1) Mohit Ravindra Thakur,
Age-Minor, Occu:Student,

2) Tilakraj Ravindra Thakur,
Age-Minor, Occu:Student,

Through Father and Natural Guardian
Ravindra Sukalal Thakur,
Age-49 years, Occu:Service,
R/o-Shendurni, Tq-Jamner,
Dist-Jalgaon.

...PETITIONERS

VERSUS

1) The State of Maharashtra,
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32,

2) The Scheduled Tribe Certificate
Scrutiny Committee,
Nandurbar Division, Nandurbar,
Through it's Member Secretary
and Dy. Director (Research),
having its office at,
Near R.T.O. Office, Sakri Road,
Nandurbar-425412,

3) Sub-Divisional Officer,
Jalgaon Division, Jalgaon.

...RESPONDENTS

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Mr.K.T. Shirurkar Advocate for Petitioners.
Mr.V.M. Kagne, A.G.P. for Respondent Nos.
1 to 3.

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

DATE : 4TH FEBRUARY, 2016

ORAL JUDGMENT [PER R.M. BORDE, J.] :

1. Heard. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, the Petition is taken up for final disposal at admissions stage.

2. The Application tendered by the Petitioners through their natural guardian for issuance of the tribe certificates has been turned down by the Sub Divisional Officer and the said order passed by the Sub Divisional Officer has been maintained by the Scrutiny Committee while dismissing the appeal.

2. On perusal of the record, it is evident that the Petitioners have relied upon the documents in the form of caste certificate issued by the competent authority in favour of their father, certifying that he belongs to Thakur, Scheduled Tribe, so also the school record of the Petitioners recording the entry in respect of their caste as Thakur, Scheduled Tribe. The Scrutiny Committee as well as the Sub Divisional Officer has turned down the request mainly on the ground that the Petitioners have failed to tender documentary evidence in respect of their blood relations. The reasons recorded for turning down the request of the Petitioners appear to be erroneous. The Petitioners have tendered sufficient prima facie evidence for substantiating their claim for issuance of caste certificates.

3. It has been reiterated by this Court in several Judgments that the authorities are required to issue caste certificate upon prima

facie satisfaction of the claim of the applicant and no detailed inquiry is contemplated at the stage of issuance of caste certificate. Since the father of the Petitioners has received caste certificate, there shall not, in our opinion, impediment in issuing caste certificates to the sons i.e. Petitioners herein.

4. In view of the above, the Writ Petition deserves to be allowed and same is accordingly allowed. The Respondent No.3 - Sub-Divisional Officer, Jalgaon is directed to issue caste certificates as requested by both the Petitioners, within a period of ONE MONTH from today.

. It is clarified that the observations made in this order are of prima facie nature and it would be open for the Scrutiny Committee to scrutinize the relevant record and pass appropriate orders in accordance with the provisions of law, at the stage of issuance of

validation certificates.

5. Rule is accordingly made absolute in
above terms. There shall be no order as to costs.

[A.I.S. CHEEMA, J.]

asb/FEB16

[R.M. BORDE, J.]