

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.10007 OF 2015

Dileep @ Dilip s/o Rajaram Mupde,
age: 25 years, Occ: Student,
R/o Atala, Tal. Dharmabad,
District Nanded.

Petitioner

Versus

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

02 The Committee for Scrutiny and
Verification of Tribe Claims,
through its Deputy Director
(Research), Aurangabad.

Respondents

Mr.A.H.Koralkar, advocate for the petitioner.
Mr.P.S.Patil, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.
DATE : 11th July, 2016**

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 Petitioner claims to be belonging to “Mannervarlu”, a
Scheduled Tribe. He has tendered an application to the Sub
Divisional Officer requesting for issuance of tribe certificate.
However, the application came to be turned down by the Sub

Divisional Officer. The order passed by the Sub Divisional Officer was challenged by the petitioner by way of an appeal to the Scrutiny Committee. The Scrutiny Committee has, however, dismissed the appeal.

3 In order to substantiate his claim, petitioner places reliance on the school record, which records tribe of the petitioner as "Mannervarlu". Apart from school record of the petitioner, he places reliance on the tribe certificate issued in favour of his uncle Govind as well as caste certificates issued in favour of Ms. Ankita d/o Govind Mupde and Akhil s/o Govind Mupde. The Ration card annexed to the Civil Application records entries of names of all the three brothers i.e. Rajaram (father of the petitioner), Mohan and Govind (uncles of petitioner) as members of the family. It does appear that tribe certificates have been issued in favour of family members by the competent authority. There does not appear to be any contra evidence disentitling the petitioner to claim tribe certificate.

4 It is recorded by us in various judgments time and again that caste/tribe certificates are required to be issued by the competent authority on *prima facie* satisfaction of the claim and detailed enquiry in respect of caste/tribe status of an individual is expected only at the stage of verification of caste/tribe certificate of an individual by the Scrutiny Committee. An individual is not entitled to claim any benefits in the matter of education, employment or various schemes of the State and Central Governments unless such individual is holder of validity certificate.

5 In the instant matter, since the petitioner has established *prima facie* entitlement to claim tribe certificate, petition deserves to be allowed. The orders passed by the Sub Divisional Officer as well as Scrutiny Committee, rejecting claim of the petitioner for issuance of tribe certificate, are set aside. The Sub Divisional Officer is directed to issue tribe certificate in the prescribed proforma, as requested by the petitioner, within a period of three weeks from today.

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

 In view of disposal of writ petition, pending Civil Application No.15419 of 2015 does not survive and stand disposed of.

K.L.WADANE
JUDGE

adb/wp1000715

R.M.BORDE
JUDGE