

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.10088 OF 2016

Shobha d/o Amruta Bhandewad,
age: 21 years, Occ: Education,
R/o Devapur, Tq. Degloor,
District Nanded.

Petitioner

Versus

01 The State of Maharashtra;

02 The Sub Divisional Officer/
Sub Divisional Magistrate,
Degloor, Tq. Degloor,
District Nanded.

Respondents

Mr.P.B.Rakhunde, advocate for the petitioner.
Mr.S.G.Karlekar, AGP for Respondents.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.
DATE : 01st October, 2016**

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

1 Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 Petitioner, who claims to be belonging to 'Koli Mahadev', Scheduled Tribe, makes a grievance that though she has tendered application in prescribed format along with documents in support of her claim, to the Sub Divisional Officer, Degloor, for issuance of tribe certificate on 01.08.2013, the Sub Divisional Officer has not yet taken any decision.

3 The petitioner claims to belong to 'Koli Mahadev', a Scheduled Tribe. The petitioner, in order to substantiate her claim, has placed reliance on the caste certificate issued by the Taluka Executive Magistrate, Degloor, on 05.10.1991, in favour of her father, certifying his caste to be 'Koli Mahadev', Scheduled Tribe. The petitioner has also placed reliance on school admission extract of herself, wherein in the column of caste, entry is recorded as 'Koli Mahadev'. The petitioner has also placed reliance on the certificates issued by the Sarpanch, Talathi and Circle Inspector certifying her caste as 'Koli Mahadev'. The Circle Inspector, on conducting local inquiry, has also reported, on the proposal itself, that *prima facie*, the petitioner appears to be belonging to 'Koli Mahadev', a scheduled tribe. The petitioner has also produced on record validity certificate issued by the Scrutiny Committee in favour of one Balaji Dattaram Bandewad, who, as claimed by the petitioner, is her blood relation i.e. petitioner is real aunt of said Shivaji. The affidavit sworn in by said Shivaji, stating that, petitioner is his real aunt, is also placed on record.

4 It is recorded in several judgments delivered by this Court, that considerations for issuance of caste certificate differ from the parameters which are required to be applied while issuing validity certificate by the Scrutiny Committee. At the stage of issuance of caste/tribe certificate, only *prima facie* material is required to be scrutinised, as the caste certificate is amenable to further scrutiny at the stage of issuance of validity certificate.

5 Considering these aspects of the matter, Respondent No.2- Sub Divisional Officer, Degloor, needs to be directed to issue

caste/tribe certificate in prescribed format in favour of the petitioner within stipulated period.

6 In this view of the matter, the Writ Petition deserves to be allowed and the same is accordingly allowed.

(i) Respondent no.2 – Sub Divisional Officer, Degloor, District Nanded, is directed to issue caste/tribe certificate in the prescribed format, in favour of the petitioner, within a period of four weeks from today.

(ii) However, it is made clear that the observations made herein above are only for the purposes of considering the claim of the petitioner for grant of caste certificate and that the Scrutiny Committee shall not be influenced by the same at the stage of consideration of claim of the petitioner for grant of caste validity certificate. It would be open for the Scrutiny Committee to consider the matter on its own merits.

7 Rule is made absolute accordingly. In the facts and circumstances of the case, there shall be no order as to costs.

P.R.BORA
JUDGE

adb/wp1008816

R.M.BORDE
JUDGE