

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 10322 OF 2016

Akash Machindra Waghmare

Petitioner

Versus

Sub Divisional Officer,
Majalgaon, District Beed & others

Respondents

Mr.Sagar S. Phatale, advocate for the petitioner.
Mr.K.N.Lokhande, AGP for Respondents No.1 to 3.

**CORAM : R.M.BORDE &
K.K.SONAWANE, JJ.
DATE : 07th October, 2016**

PER COURT:

1 The petitioner is objecting to the order passed by the Sub Divisional Officer rejecting the application tendered by petitioner for issuance of tribe certificate certifying that he belongs to "Koli Mahadev", Scheduled Tribe.

2 The petitioner, in order to substantiate his claim, has placed reliance on the validity certificate issued in favour of his real brother certifying that he belongs to "Mahadev Koli", Scheduled Tribe. The Sub Divisional Officer has rejected that application mainly on the ground that description of the tribe mentioned in the certificate is not in consonance with the relevant

Entry in the Constitution Order.

3 An identical issue has been considered by this Court in Writ Petition No. 4536 of 2014 and other companion matters, decided on 14.08.2014 and the competent authority has been directed to issue corrected caste/tribe certificate. So also the Scrutiny Committee is directed to consider the claim for verification. On account of technical error, which has occurred in case of thousands of certificate holders, genuine claim of the persons belonging to the tribe community cannot be turned down.

4 In the instant matter, as has been disclosed by the petitioner, his real brother is possessed of the validity certificate issued by the competent authority certifying that he belongs to "Mahadev Koli", Scheduled Tribe. *Prima facie*, there is sufficient evidence to support claim of the petitioner that he belongs to Koli Mahadev, Scheduled Tribe. This Court, in number of matters, has observed that the competent authority shall issue caste/tribe certificate to an individual on *prima facie* consideration of the claim and indepth inquiry is not contemplated at the stage of issuance of caste/tribe certificate. The caste/tribe certificate issued to an individual is always subject to scrutiny by the competent Scrutiny Committee and unless validity certificate is secured, an individual is not entitled to claim benefits under the Government policies either in the matter of employment or

education.

5 In the instant petition, petitioner is desirous of seeking admission to LL.B. course. He would be entitled to claim provisional admission subject to issuance of validity certificate by the Scrutiny Committee.

6 For the reasons recorded above, we directed the Sub Divisional Officer, Majalgaon, District Beed, to issue tribe certificate, as requested by the petitioner, as expeditiously as possible, preferably within a period of one week from today. The order dated 17.05.2016, passed by the Sub Divisional Officer, Majalgaon, is quashed. In view of the direction to quash the order passed by the Sub Divisional Officer, appeal tendered by the petitioner before the Scrutiny Committee renders infructuous and stands disposed of accordingly.

7 Writ Petition stands disposed of.

K.K.SONAWANE
JUDGE

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R.M.BORDE
JUDGE