

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11268 OF 2016

Archana D/o Ramrao Singanwad
@ Archana Shriniwas Andelwar
Age: 32 years, Occu: household,
R/o Chandola, Tq.Mukhed
Dist. Nanded

Petitioner

Versus

1 The State of Maharashtra,
Tribal Development Department,
Through Its Secretary,
Mantralaya, Mumbai – 32

2 The Sub Divisional Officer,
Degloor, Tq. Degloor,
Dist. Nanded

Respondents

Mr.P.V. Jadhavar advocate for the petitioner
Mr.A.B. Girase, Government Pleader for Respondents

CORAM : R.M. BORDE &
SANGITRAO S. PATIL, JJ

(Date : 17th November, 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 order passed by the Sub

Divisional Officer, Degloor, Dist. Nanded on 28.10.2016, refusing to issue the caste certificate in favour of the petitioner, certifying that she belongs to Mannervarlu, scheduled tribe.

4 The petitioner tendered proposal for issuance of caste certificate to the Sub Divisional Officer in the month of July, 2016 together with necessary documents, supporting her claim. The Sub Divisional Officer, however, rejected the application tendered by the petitioner, solely on the ground that, the petitioner has failed to tender documents prior to 6.9.1950 and that the documents tendered by the petitioner are of recent past.

5 Time and again, it has been recorded by this Court in several Judgments that, the competent authorities are required to issue caste certificates on the basis of prima facie material and in-depth enquiry at the stage of issuance of caste certificates is not contemplated. The caste certificate issued to the individual is always subject to scrutiny by the competent scrutiny committee and individual is not entitled to claim benefits either in the matter of education or employment or any other benefit under the Government Policies unless, he possesses validation certificate.

6 In the instant matter, apart from the evidence for issuance of caste certificate, validation certificate in favour of blood relation

i.e. real sister of the petitioner Viz. Veena Ramrao Singanwad was produced. In our opinion, the petitioner has prima facie established her claim for issuance of caste certificate and the order passed by the Sub Divisional Officer is patently erroneous and deserves to be quashed and set aside.

7 The order passed by the Sub Divisional Officer, Degloor dated 28.10.2016 is quashed and set aside and the respondent No.2 Sub Divisional Officer is directed to issue caste certificate in the prescribed proforma, certifying that, the petitioner belongs to Mannervarlu, scheduled tribe, within three days from today. It is clarified that, the observations made in the instant order are on the basis of prima facie consideration and scrutiny committee, while conducting verification of the caste certificate, shall take decision independently, without being influenced by the observations made in the instant order.

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

(SANGITRAO S. PATIL, J)

(R.M.BORDE, J)