

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.12260 OF 2016

Sachin Madhavrao Pallewad,
age: 24 years, Occ: Education,
R/o At Post Godamgaon,
Tq. Naigaon, District Nanded.

Petitioner

Versus

01 Sub Divisional Officer,
Degloor, Tq. Degloor,
District Nanded.

02 Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division,
Aurangabad, through its
Member Secretary.

Respondents

Mr.Sagar S. Phatale, advocate for the petitioner
Mr.K.D.Mundhe, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
SANGITRAO S. PATIL, JJ.
DATE : 14th December, 2016**

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

The petitioner is objecting to the order dated 15.12.2011, passed by the Sub Divisional Officer, Degloor, rejecting the application tendered by petitioner for issuance of caste/tribe certificate, certifying that petitioner belongs to "Mannerwarlu", Scheduled Tribe, as well as the order dated 24.08.2016, passed by Scrutiny Committee, refusing to cause interference in the order passed by the Sub Divisional Officer.

2 The real brothers of the petitioner, namely Pallewad Shrikant Madhavrao Pallewad and Vijay Madhavrao Pallewad, had approached this Court by presenting Writ Petitions bearing Nos.3210 of 2010 and 3211 of 2010, making a grievance in respect of refusal by the competent authority to issue tribe certificate in their favour. Writ Petitions presented by real brothers of the petitioner came to be allowed and the Sub Divisional Officer, Degloor was directed to forthwith issue caste certificates to the petitioners therein certifying that they belong to “Mannerwarlu”, Scheduled Tribe.

3 Since the school record of the petitioner supports his case so also in view of the directions issued by this Court in Writ Petitions No.3210/2010 and 3211/2010, accepting request of real brothers of the petitioner for issuance of caste/tribe certificate in their favour certifying that they belong to “Mannerwarlu”, Scheduled Tribe, the Sub Divisional Officer as well as the Scrutiny Committee ought not to have turned down request of the petitioner.

4 In the result, impugned order dated 15.12.2011, passed by the Sub Divisional Officer, Degloor and the order dated 24.08.2016, passed by the Scrutiny Committee, are quashed and set aside. Respondent No.1- Sub Divisional Officer, Degloor, is directed to issue caste/tribe certificate forthwith in favour of the petitioner certifying that he belongs to “Mannerwarlu”, Scheduled Tribe.

5 It is clarified that observations made in this judgment are on *prima facie* consideration of the matter and it would be open

to the Scrutiny Committee to conduct indepth inquiry in accordance with relevant Regulations while dealing with the proposal of the petitioner for issuance of validity certificate.

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

(SANGITRAO S. PATIL)
JUDGE

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(R.M.BORDE)
JUDGE