

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 888 OF 2017

1. Pawan S/o Ashok Thakur,
Age : 17 Years, Occu. : Student,
2. Akash S/o Ashok Thakur,
Age : 15 Years, Occu. : Student,

Both the petitioners being Minor
through their natural guardian father --
Ashok S/o Hiralal Suryawanshi (Thakur),
Age – 49 Years, Occu. : Service,
R/o Malpur Road, Thakurwadi,
Dondaicha, Tq. Sindhkheda,
Dist. Dhule.

.. Petitioners

Versus

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai – 32.
Through its Secretary.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Nandurbar Division,
Nandurbar, through its
Member Secretary.
3. The Sub Divisional Officer,
Shirpur Division, Shirpur,
Tq. Shirpur, Dist. Dhule.

.. Respondents

Shri Sushant C. Yeramwar, Advocate for Petitioners.
Mrs. M. A. Deshpande, Addl.G.P. For Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.
DATE : 02ND FEBRUARY, 2017.**

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Rule. Rule made returnable forthwith. With the consent of parties, taken up for final hearing.

2. The petitioners had filed applications for issuance of tribe certificate of 'Thakur' (Scheduled Tribe). The said applications are rejected. The Scrutiny Committee dismissed the appeal filed by petitioners. Aggrieved thereby present writ petition.

3. Mr. Yeramwar, the learned counsel for petitioners submits that, the father of petitioners has been issued with the tribe certificate of Thakur (S.T.). The relevant documents were also filed on record. Each and every document suggest caste of petitioners as Thakur. Only on the ground of area restriction the applications have been rejected.

4. Mrs. Deshpande, the learned Additional Government Pleader states that, at the time of issuance of tribe certificate to the father of the petitioner enquiry was not conducted. The persons belonging to S.T. do not appear to reside at Sindhkheda. The Committee has rightly considered said aspect.

5. We have gone through the documents produced by the petitioners. Perusal of the documents, it appears to show caste recorded as Thakur (S.T.). The documents include the extract of admission register, transfer certificate. The school record of the father of petitioners showing caste recorded as Thakur. So also caste certificate issued to the cousin grandfather of the petitioners of Thakur (S.T.).

6. It is trite that, at the time of issuance of tribe certificate a long drawn enquiry is not contemplated. The authorities have to be *prima facie* satisfied about the existence of the claim of the applicant, as it is after the issuance of tribe certificate, the said certificate will have to go stringent scrutiny in the validation proceedings before the Committee.

7. Considering the aforesaid documents on record, the tribe certificates having been issued to the father of petitioners and also cousin grandfather of petitioners, so also all the documents show caste recorded as Thakur, *prima facie* the petitioners are entitled for the tribe certificates.

8. In the light of the above, the impugned orders are quashed and set aside. The respondent No. 3 shall issue tribe certificates to petitioners of Thakur (Scheduled Tribe) expeditiously. The said certificates, naturally, would have to undergo scrutiny before

the Committee.

Rule accordingly is made absolute in above terms. No costs.

Sd/-

[K. L. WADANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/Feb. 17