

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

WRIT PETITION NO. 2251 OF 2017

Shaikh Zaweria d/o Khadarsab ...Petitioner

VERSUS

Sub-Divisional Officer,
Degloor and another ...Respondents

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Shri S.B.Gastgar, advocate for the petitioner
Smt. M.A.Deshpande, A.G.P. for respondents

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 16th FEBRUARY, 2017

O R D E R :

Rule. Learned A.G.P. waives notice on Rule forthwith. Heard with the consent of the learned counsel for the parties.

2. Mr. Gastgar, learned counsel for the petitioner submits that the application of the petitioner for issuance of tribe certificate as "Tadvi" scheduled tribe is rejected only on the ground that the document prior to 1950 is not produced. The Sub-Divisional Officer has failed

to consider that four real brothers of the petitioner have been granted validity certificate of Tadvī scheduled tribe. The same is not at all considered though is referred to. Even the service record of the petitioner's father shows that the petitioner belongs to Tadvī scheduled tribe. The petitioner has to fill in the form for NEET examination. Along with the form caste certificate is required to be submitted and said form has to be filled in on or before 28.2.2017.

3. Learned A.G.P. submits that as no old record is submitted, the Sub-Divisional Officer has rightly passed the order.

4. In normal course, we would not have entertained the Writ Petition and would have relegated the petitioner for the remedy of appeal, however, considering the fact that last date for filing application for NEET examination is 28.2.2017 and also the fact that real brothers of the petitioner are issued validity certificates,

so also the service record of the father of the petitioner shows the caste recorded as Tadvī, we are entertaining the petition. The order passed by the Sub-Divisional Officer does not deal with any of the documents produced by the petitioner. Though the report of the Circle Officer Talathi is referred, only on the ground that the document prior to 6.2.1950 is not produced, the application is rejected. The order is passed without application of mind and in casual manner. The reasons were required to be given by the Sub-Divisional Officer for not considering the validity certificate of the real brothers of the petitioner, so also the service record of the father of the petitioner. While considering issuance of caste certificate, prima facie satisfaction is necessary, as it is, the said certificate will have to undergo the scrutiny in validation proceedings.

5. Considering the fact that real brothers of the petitioner have been issued the validity

certificate, so also the school record of the petitioner, the service record of the father of the petitioner records "Tadvi" scheduled tribe, we pass the following order.

6. The Sub-Divisional Officer, Degloor shall issue tribe certificate to the petitioner of "Tadvi" scheduled tribe, expeditiously on or before 24.2.2017.

7. Rule accordingly made absolute. No costs.

8. Authenticated copy be given.

(K.L.WADANE, J.) (S.V.GANGAPURWALA, J.)

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