

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

WRIT PETITION NO. 2244 OF 2017

SHUBHAM IRWANT KARNE MINOR THROUGH FATHER IRWANT
SAYANNA KARNE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Vibhute Sunil M.

AGP for Respondents : Smt. M.A.Deshpande

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

DATED : 16th FEBRUARY, 2017

O R D E R :

1. The order dated 31.1.2017 thereby rejecting the application of the Petitioner for issuance of tribe certificates as belonging to "Mannervarlu", Scheduled Tribe is assailed in this Petition.

2. We have heard Mr. Bayas, learned counsel for the Petitioners and the learned A.G.P.

3. In normal course we would not have

entertained the present Petition and would have relegated the Petitioner for the remedy provided under the Statute i.e. appeal before the Scrutiny Committee. However, considering the JEE Examination is to commence, we have entertained the Petition.

4. It is brought to our notice that father of the Petitioner has been issued caste validity certificate as belonging to "Mannervarlu", Scheduled Tribe. The school record of the Petitioner is also placed on record. It is submitted that Even the real sister of the Petitioner is issued tribe certificate as belonging to "Mannervarlu", Scheduled Tribe, by the order of the Committee.

5. The learned A.G.P. submits that the record on the basis of which validity was obtained by father of the Petitioner, has not been produced and as such the order is rightly passed.

6. It is trite that while considering the application for issuance of caste/tribe certificate, the authority has to arrive at a prima facie satisfaction, as the said caste/tribe certificate is subjected to the acid test at the time of validation proceedings before the Committee.

7. In the present case, the father of the Petitioner has been issued validity certificate by the Committee i.e. tribe claim of the father of the Petitioner has been validated. Even real sister of the Petitioner has been issued tribe certificate as belonging to "Mannervarlu", Scheduled Tribe. Sufficient material was before the Sub Divisional officer for grant of tribe certificate.

8. Considering the above, the impugned order are quashed and set aside. The Respondent No.4 - Sub Divisional Officer, Degloor shall issue tribe certificate to the Petitioner on or before

28.2.2017.

10. The Writ Petition stands disposed of, accordingly. No costs.

. The learned A.G.P. shall communicate this order to the Sub Divisional Officer.

. The parties to act upon authenticated copy of this order.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

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