

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

WRIT PETITION NO. 4978 2017

1. Rajeshwar S/o Rajendrakumar
Adbalwar,
Age: 12 years, Occu: Student,
2. Pandurang S/o Rajendrakumar
Adbalwar,
Age: 11 years, Occu: Student,

Both minors, through their
Father-
Rajendrakumar S/o Rajba Adbalwar,
Age: 36 years, Occu.: Agril,
R/o: Udgir, (PD), Tq.: Mukhed,
Dist.: Nanded.

... Petitioners.

VERSUS

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Sub-Divisional Officer,
Degloor, Dist.: Nanded.
3. The Tahsildar,
Mukhed, Dist.: Nanded.
4. The Head Master,
Shri Chhatrapati Shahu Maharaj
Army School, Awalkonda Raod,
Udgir, Tq.: Udgir, Dist. Latur.

... Respondents.

Mr. Pratap G. Rodge, Advocate for Petitioners
Mrs. M. A. Deshpande, Addl. GP for Respondents State

**CORAM : R. M. BORDE &
K. L. WADANE, JJ.**

DATE : 12th April, 2017

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

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

2. At the request of learned counsel for the petitioner, name of respondent No.4 stands deleted.

3. The petitioners have approached this Court being aggrieved by order passed by the Sub Divisional Officer, Degloor dated 17.03.2017 refusing to issue caste certificate as belonging to Mannervarlu Scheduled Tribe. The application tendered by the petitioners on 21.09.2016 to the Tahsildar was not being forwarded to the Sub Divisional Officer for issuance of Tribe Certificate. The petitioners were required to approach this Court by presenting writ petition No.2027/2017. Writ petition was disposed of on 14.02.2017 and Tahsildar was directed to forward application to the Sub Divisional officer and the Sub Divisional Officer was further directed to take decision within four weeks. The Sub Divisional Officer, instead of perusing the documents placed on record by the petitioners for substantiating their claim, including validity certificates of their blood relations, has turned down the application for issuance of tribe certificates.

4. It has been observed by this Court in number of judgments that the authority vested with power to issue caste/tribe certificate has to take decision on prima facie satisfaction as regards the claim of the applicant. Certificate issuing authority is not expected to go into details, which aspects can be considered while determining validation claim of the applicant.

5. The caste certificate issued by the competent authority is subject to verification by the scrutiny committee and the applicant requesting for issuance of caste certificate is not entitled to claim benefits in the matter of education or employment unless he produces validation certificate. In the instant matter, there is sufficient prima facie evidence placed on record by the petitioners entitling them to claim Tribe certificates. The Sub Divisional Officer has committed material illegality in turning down the application tendered by the petitioners for issuance of caste certificate.

6. In this view of the matter, the order passed by the Sub Divisional Officer on 17.03.2017 is quashed and set aside.

7. The Sub Divisional Officer, Degloor is directed to issue tribe certificates to the petitioners as expeditiously as possible preferably within a period of two weeks from today.

8. With the directions as above, writ petition is disposed of. Rule is accordingly made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

(K. L. WADANE, J.)

(R. M. BORDE, J.)

JPC