

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

81 WRIT PETITION NO. 7377 OF 2015

YOGESH MORESHWAR MAHALE AND ANANT MORESHWAR THAKUR  
(MAHALE)

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Pawar Ajay D.  
AGP for Respondents State: Mr. M. B. Bharaswadkar

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

**DATE : 7th March, 2017**

**ORDER:**

1. Mr. Pawar, the learned counsel for the petitioners submits that the petitioners had applied for the tribe certificate as belonging to "Thakur" Scheduled Tribe. The application is rejected by the Sub Divisional Officer, Shirpur. The petitioners filed an appeal before respondent No.2 Committee. The Committee dismissed the appeal.

2. The learned counsel submits that school record of the petitioner shows the tribe recorded as Thakur. Even old record of the petitioners' grandfather shows entry recorded as Thakur. The learned counsel submits that father and grandfather of the petitioners have been issued with the tribe certificate of Thakur,

Scheduled Tribe. All these documents are ignored. The learned counsel further submits that perverse finding has been given by the Committee. The Committee stated that in the record of grandfather of the petitioners, entry shows Thakur non-tribal. There is no such entry of non-tribal. On the contrary, the entry is Hindu Thakur. That does not mean to be entry of a non-tribal.

3. The learned AGP states that old record shows the entry as Hindu Thakur. There is no entry of Thakur, Scheduled Tribe. The Sub Divisional Officer and the Committee have rightly considered the said aspect.

4. We have considered the submissions.

5. At the stage of issuance of Tribe certificate, a long drawn enquiry is not contemplated. The authority has to be prima facie satisfied about the tribe.

6. In the present case, father of the petitioners so also the grandfather of the petitioners have been issued with the tribe certificates of Thakur, Scheduled Tribe. Even documents on record show entry as Hindu Thakur. The same is position in respect of the record of the father and grandfather of the petitioners.

7. No doubt, after tribe certificate is issued, the

said tribe certificate will have to go through acid test before the committee in validation proceedings.

8. Considering the aforesaid aspects, the impugned order is quashed and set aside.

9. The Sub Divisional Officer shall issue tribe certificate to the petitioners as Thakur, Scheduled Tribe, expeditiously, which certainly would be subject to the validation proceedings before the committee.

10. Writ petition is disposed of in the above terms.

No cost

**(K. L. WADANE, J.)**

**(S. V. GANGAPURWALA, J. )**

JPC