

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 7837 OF 2016**

Shantaram s/o Pralhad Nalgire, ... **Petitioners**
Age 30 years, Occu: Service,
R/o Pandurang Nagar, Nanded
Taluka & Dist. Nanded.

VERSUS

1. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
2. Sub Divisional Officer,
Nanded, Dist. Nanded
3. Mahatma Phule High School, ... **Respondents.**
Baba Nagar, Nanded
Through its Head Master.

Mr. Sagar S. Phatale, Advocate for Petitioner
Mr. P. S. Patil, AGP for Respondent Nos. 1 and 2

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

DATE : 20th April, 2017

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

1. Rule. Rule made returnable forthwith.
2. With the consent of the parties, taken up for final disposal.
3. Petitioner has assailed the order passed by Sub Divisional Officer, Nanded dated 14.06.2016 rejecting his request to issue tribe certificate that he belongs to 'Koli Mahadev' Scheduled Tribe. The petitioner was

already issued with the tribe certificate by the Sub Divisional Officer, Nanded on 14.05.2012 certifying that he belongs to 'Mahadev Koli' Scheduled Tribe. The description of tribe was wrongly recorded in the certificate issued in the year 2012. The said certificate was referred for verification to the Scrutiny Committee, Aurangabad. The Scrutiny Committee, noticing that description of the tribe recorded in the certificate is not in consonance with the Constitutional Order, directed quashment of the certificate and granted liberty to the petitioner to get proper certificate from the Sub Divisional Officer. The petitioner tendered an application for issuance of tribe certificate to the Sub Divisional Officer, Nanded, however, the application tendered by him has been rejected by the concerned authority.

4. As has been recorded above, there is merely an inadvertent error in recording the name of the tribe in the certificate issued earlier on 14.05.2012 and as such, the petitioner was required to apply afresh for issuance of tribe certificate, recording correct nomenclature of the tribe. This Court, while dealing with the identical issue in Writ Petition No. 4536/2014 and other companion matters, has issued detailed

guidelines/directives to the respondent authorities. In the said order, this Court directed the Sub Divisional Officer to issue tribe certificate recording correct description of the tribe in consonance with the Constitutional Order, without holding further enquiry into the matter, on perusal of attested xerox copy of the tribe certificate issued in favour of the respective applicants, at an earlier point of time.

5. In the instant matter, it is an admitted position that the petitioner was possessed of the tribe certificate issued by the competent authority, however, recording incorrect description of the tribe. It was not at all warranted for the Sub Divisional Officer, Nanded to conduct a detail enquiry to ascertain as to whether prima facie the petitioner belongs to a particular tribe or not. The evidence in the form of the certificate issued in favour of the petitioner earlier by the same authority is sufficient prima facie proof of his belonging to the aforesaid tribe. It is a matter of record that in hundreds of identical cases, this Court has issued directives to the Sub Divisional Officers to issue tribe certificate without holding enquiry, on the basis of tribe certificate issued earlier. However inspite of

issuance of repeated directions, the Sub Divisional Officers with adment attitude, are showing disregard to the orders passed by this Court. In the facts and circumstances, the writ petition deserves to be allowed and the same is accordingly allowed.

6. The order passed by the Sub Divisional Officer, Nanded dated 14.06.2016 is quashed and set aside. The Sub Divisional Officer, Nanded is directed to issue Tribe Certificate as requested by the petitioner, as expeditiously as possible, preferably within a period of one week from today.

7. Rule is made absolute accordingly. Writ petition disposed of. 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