

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10329 OF 2017

Prasad Jagdish Sonwane
age 16 years, occ. Student
Through guardian
Vaishali Jagdish Sonwane
age 40 years, occ. Housewife
r/o N-11, C-1, 3/2,
Gajanan Nagar, HUDCO
Aurangabad

Petitioner

Versus

1. The State of Maharashtra
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai
2. The Sub-Divisional Officer,
Yerondal, Dist. Jalgaon
3. The Managing Director,
Indo Garman Tools Aurangabad
P-31, MIDC, Industrial Area
Chikalthana Aurangabad 431 006.

Respondents

Mr. A.S. Bayas, advocate for petitioner.
Mr. S.G. Karlekar, A.G.P. for respondents 1 and 2.

**CORAM : R.M.BORDE &
S.M. GAVHANE, JJ.
DATE : 22nd AUGUST, 2017**

ORAL JUDGMENT : (PER R.M. BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of the learned counsel for the respective parties.

3. Petitioner has approached this Court raising exception to the order passed by the Sub-Divisional Officer, Yerondal, Dist. Jalgaon, rejecting his application for issuance of tribe certificate.

4. Petitioner claims to be belonging to Tokare Koli Scheduled Tribe. The father of the petitioner as well as his real uncle have been issued tribe certificate by the Executive Magistrate, Jalgaon in the year 1989. There is no contra evidence indicating that petitioner belongs to any other category. Entries are also recorded in the revenue record in respect of the landed property of petitioner to the effect that the lands are subjected to provisions of section 36 and 36A of the Land Revenue Code, 1966.

5. Prima facie, it does appear that the petitioner is entitled to claim tribe certificate from the competent authority. It is recorded in several judgments by this Court that the issuing authority is required to issue tribe certificate on the basis of prima facie material and no indepth enquiry is contemplated at the stage of issuance of caste certificate. The caste certificate issued by the competent authority is subject to scrutiny by the competent scrutiny committee and an individual is entitled to claim benefits in the matter of education or employment only on the basis of caste validation certificate.

6. Petitioner informs that he is likely to get admission to polytechnic course as against the seat reserved for Scheduled Tribe category and the last date prescribed for securing admission is 24th August, 2017.

7. In the circumstances, we deem it appropriate to entertain the petition as exceptional case and issue directions to respondent – Sub-Divisional Officer, Yerondal, Dist. Jalgaon, to issue tribe certificate in the prescribed format to petitioner certifying that he belongs to Tokare Koli Scheduled Tribe. The Sub-Divisional Officer shall issue tribe certificate to petitioner by tomorrow i.e. 23rd August, 2017. Petitioner shall approach the concerned Sub-Divisional Officer tomorrow and the officer shall issue the certificate as directed by us. Learned AGP shall communicate the order to the concerned Sub-Divisional Officer. Rule is accordingly made absolute. No costs.

(S.M. GAVHANE)
JUDGE

(R.M.BORDE)
JUDGE

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