

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

WRIT PETITION NO.10427 OF 2017

Prabhakar Bhagwan Sudewad .. Petitioner
Age- 24 years, Occu-Education,
R/o. Tara, Tq. Kinwat,
Dist. Nanded

Versus

1. The State of Maharashtra .. Respondents
Through Secretary to
Triabai Development
Department, Mantralaya,
Mumbai
2. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad,
Through Its Dy. Director (R)
Aurangabad
3. The Sub-Divisional Officer,
Kinwat, Dist. Nanded

Mr.Sunil M. Vibhute, Advocate for the petitioner
Mr.S.G.Karlekar, AGP for the respondent/State

**CORAM : R.M. BORDE &
S.M. GAVHANE, JJ.**

DATED : 24.08.2017

ORAL JUDGMENT [PER:R.M. BORDE, J.]:

. Rule. Rule made returnable forthwith. By the
consent of the learned counsel for the parties heard

finally at the admission stage.

2. The petitioner is objecting to the order passed by the Sub-Divisional Officer refusing to issue caste certificate as well as the appellate order passed by the Scrutiny Committee rejecting challenge to the order passed by the Sub-Divisional Officer. The petitioner claims to belong to Koli Mahadev Scheduled Tribe. The petitioner tendered an application on 15.09.2011 to respondent No.3 Sub-Divisional Officer, Kinwat, Dist. Nanded for issuance of Tribe certificate in prescribed proforma. The petitioner tendered the copies of Tribe certificates issued in favour of his real brother, namely, Nandkumar as well as real sister Ulfa. The certificates are issued by the Sub-Divisional Officer, before whom the application has been tendered by the petitioner, for issuance of caste certificate. The petitioner also relies upon the certificate of validity issued in favour of his cousin brother, by name, Jagjivan Rama Sudewad. The petitioner has tendered a copy of affidavit explaining genealogy. The Sub-Divisional Officer as well as Scrutiny Committee without taking into consideration the documents, relied upon by the petitioner to substantiate the case, have rejected the application as well as appeal.

3. It has been recorded by this Court in several

judgments that issuing Authorities are required to consider the applications for issuance of Caste Certificate or Tribe Certificates on the basis of prima facie material and indepth enquiry is not expected at the stage of issuance of caste certificate. It is only at the stage of consideration of proposal for validation of the caste certificate, detailed enquiry is expected to be conducted by the Scrutiny Committee. Report of the Vigilance Cell as well as the opinion of the Research Officer are called at such stage for consideration of proposal. The proposer is expected to furnish all the details, such as his relations with tribals, relevant documentary evidence to substantiate his claim. The proposer is also expected to prove his affinity with the tribe. The procedure expected to be adopted at the stage of issuance of validation certificate is not contemplated at the stage of issuance of caste certificate. The issuing authority as well as the Scrutiny Committee have lost sight of this vital distinction. In the instant matter there is sufficient material to substantiate the claim of the petitioner at least for issuance of tribe certificate. The question of proving the affinity with the tribe will have to be taken up for consideration at the stage of issuance of validation certificate. A recipient of caste certificate is not entitled to claim any benefit in the matter of education or employment or

under any government scheme merely on the basis of tribe certificate and in order to claim such benefits, production of validation certificate is essential. The Scrutiny Committee as well as the issuing authority have erred in refusing to the issue tribe certificate as requested by the petitioner, over looking relevant documentary evidence produced by the petitioner to substantiate his claim. For the reasons recorded as aforesaid the writ petition deserves to be allowed and same is accordingly allowed. The order passed by the issuing authority i.e. Sub-Divisional Officer as well as the Scrutiny Committee is quashed and set aside. The concerned Sub-Divisional Officer, Kinwant, Dist. Nanded is directed to issue tribe certificate in the prescribed proforma to the petitioner within a period of six weeks from today.

4. Rule is accordingly made absolute. There shall be no order as to costs.

[S.M. GAVHANE, J.]

[R.M. BORDE, J.]