

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

WRIT PETITION NO. 393 OF 2018

Gauri D/o Rajiv Pupalwad
Age : Minor, Occu. : Education,
R/o Patoda (TB), Tq. Naigaon Kh
Dist. Nanded
Through Natural Guardian/Father
Rajiv S/o Atmaram Pupalwad,
Age : 33 Years, Occu. : Agril.,
R/o As above. .. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary to Tribal
Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste
Certificate Verification Committee,
Aurangabad through its Dy. Director
(R), Aurangabad.
3. The Sub Divisional Officer,
Biloli, District : Nanded. .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for All Respondents.

**CORAM : S. V. GANGAPURWALA AND
ARUN M. DHAVALA, JJ.
DATE : 10TH JANUARY, 2018.**

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*) :-

. Rule. Rule made returnable forthwith. The learned Additional Government Pleader accepts notice of rule for all respondents. Taken up for final hearing with the consent of parties.

2. The petitioner had filed an application for issuance of tribe certificate of Mannervarlu (Scheduled Tribe). The application came to be rejected. The petitioner filed an appeal before the Scrutiny Committee. The Scrutiny Committee dismissed the appeal. Aggrieved thereby present petition.

3. Mr. Vibhute, the learned counsel for the petitioner submits that, there is no contra evidence on record. The school record of the petitioner, her father and real uncle of the petitioner depict their tribe as Mannervarlu, still application of the petitioner is rejected on hypothetical grounds.

4. The learned Additional Government Pleader supports the order passed by the Committee.

5. It is trite that, at the time of issuance of tribe certificate, the authority has to be prima facie be satisfied. The documents produced on record show that the school record of the petitioner records tribe as Mannervarlu. The school record of the

petitioner's father also records the tribe as Mannervarlu. The school record of three real uncles of the petitioner also records tribe as Mannervarlu. The school record of real paternal aunt of the petitioner records tribe as Mannervarlu. In the school record same is position in respect of real sister of the petitioner and cousin uncles of the petitioner. There does not appear to be any contra evidence.

6. Considering the aforesaid conspectus of the matter and prima facie documents available on record, the petitioner is entitled for issuance of tribe certificate as belonging to Mannervarlu (S.T.). Even otherwise the certificate will have to undergo test of scrutiny at the time of issuance of validity certificate.

7. Considering the above, the impugned order is quashed and set aside. The respondent No. 3 shall issue the tribe certificate of Mannervarlu (S.T.) to the petitioner within a period of three (03) weeks from today.

Rule accordingly is made absolute in above terms. No costs.

Sd/-

[ARUN M. DHAVALÉ, J.]

bsb/Jan. 17

Sd/-

[S. V. GANGAPURWALA, J.]