

UNREPORTED**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY****BENCH AT AURANGABAD.****WRIT PETITION NO.2660 OF 2018**

1. Maroti Namdev Bhusewad
Age minor, Occ.Student,
Under guardian of father
Namdev Digambar Bhusewad,
Age 50 years, Occ.Agrl.,
R/o Telangwadi, Tq.Kandhar,
Dist.Nanded.

2. Sainath Namdev Bhusewad,
Age 19 years, Occ.Student,
R/o Telangwadi, Tq.Kandhar,
Dist.Nanded.

3.Pratibha Namdev Bhusewad,
Age 22 years, Occ.Student,
R/o Telangwadi, Tq.Kandhar,
Dist.Nanded.

... Petitioners.

Versus

1.The State of Maharashtra
through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2. The Scheduled Tribe
Certificate Scrutiny
Committee, Aurangabad
Division, through its
Deputy Director (R),
Aurangabad.

3. The Sub-Divisional Officer,
Kandhar Tq. Kandhar,
Dist.Nanded.

... Respondents.

...

Mr.P.V.Jadhavar, advocate for the petitioner.

Mr.A.V.Deshmukh, A.G.P. for the State.

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 12.03.2018.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Heard.

2. Rule. Rule returnable forthwith.

3. Learned A.G.P. waives notice of Rule.
With the consent of the parties, the petition is
taken for final hearing.

4. The application filed by the
petitioners for issuance of tribe certificate is
rejected. The appeal preferred against the said
order is dismissed. Aggrieved thereby, the
present petition.

5. We have heard Mr.Jadhavar, learned
counsel for the petitioner and learned A.G.P.

6. According to the learned counsel, the father of the petitioners is issued with the tribe certificate of Mannervarlu - Scheduled Tribe on 19.3.2002. The real uncle's son Dnyaneshwar is issued with the validity certificate of Mannervarlu - Scheduled Tribe on 15.4.2011. The application of the petitioners is rejected only on the ground that surname of the petitioners does not appear in Mannervarlu - Scheduled Tribe and on the ground of residence.

7. Learned A.G.P. supports the order.

8. It appears from the documents filed on record that the father of the petitioners is issued with the tribe certificate on 19.3.2002. As per the genealogy produced on record, the real uncle's son is issued with the validity certificate of Mannervarlu - Scheduled Tribe on 15.4.2011. It is trite that at this stage, one has to be prima facie satisfied. Even otherwise, the tribe certificate is required to be verified by the Committee.

9. Considering above, the impugned orders are quashed and set aside. The Respondent No.3 SDO shall issue tribe certificate to the petitioners of Mannervarlu - Scheduled Tribe within three (3) weeks which certificate, naturally, will be required to be verified by the Committee.

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

Sd/-

(A.M.DHAVAL, J.)

Sd/-

(S.V.GANGAPURWALA, J.)

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