

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

WRIT PETITION NO. 2795 OF 2018

Vaishnavi D/o Madhav Bhadewad

Age:- Minor, Occu-Education,

R/o; Navha, Tq. Hadgaon, Dist. Nanded

Through father and natural guardian,

Madhav S/o Dattram Bhadewad

Age:- 47 years, Occ: Service

R/o: As above

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai

2. The Schedule Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director (R)
Aurangabad

3. The Sub Divisional Officer Hadgaon,
District: Nanded .. Respondents

Shri. Sunil M. Vibhute, Advocate for the Petitioner.

Shri. P.S. Patil, A.G.P. for all Respondents.

WITH
WRIT PETITION NO. 2796 OF 2018

Deepak S/o Gangadhar Bhadewad
Age:- Minor, Occu-Education,
R/o; Navha, Tq. Hadgaon, Dist. Nanded
Through father and natural guardian,
Gangadhar S/o Dattram Bhadewad
Age:- 42 years, Occ: Service
R/o: As above

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Schedule Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director (R)
Aurangabad
3. The Sub Divisional Officer Hadgaon,
District: Nanded

.. Respondents

Shri. Sunil M. Vibhute, Advocate for the Petitioner.
Smt. M.A. Deshpande, Addl.G.P. for all Respondents.

WITH
WRIT PETITION NO. 2798 OF 2018

Shrinivas S/o Madhav Bhadewad

Age:- Minor, Occu-Education,

R/o; Navha, Tq. Hadgaon, Dist. Nanded

Through father and natural guardian,

Madhav S/o Datram Bhadewad

Age:- 47 years, Occ: Service

R/o: As above

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai

2. The Schedule Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director (R)
Aurangabad

3. The Sub Divisional Officer Hadgaon,
District: Nanded

.. Respondents

Shri. Sunil M. Vibhute, Advocate for the Petitioner.

Smt. Vaishali N. Patil-Jadhav, A.G.P. for all Respondents.

**CORAM : S.V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATED : 15th March, 2018

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

. Rule. Rule made returnable forthwith. The learned A.G.P. accepts notice of rule for all respondents in respective matters. Heard finally with the consent of learned counsel for parties.

2. In all these matters applications filed by petitioners for issuance of tribe certificates as belonging to 'Mannervarlu' (Scheduled Tribe) are rejected.

3. It is submitted that the fathers of all these petitioners have been issued with the validity certificates as belonging to 'Mannervarlu' (Scheduled Tribe). All these petitioners belong to one family as it would be seen that the fathers of petitioners and their paternal uncles are issued with the validity certificates. Relying on one entry of one of the members of the family, the applications are rejected.

5. It is trite that, at this stage the authority has to be prima facie

satisfied. When the fathers of petitioners have been issued with validity certificates, the authority ought to have issued the tribe certificates to petitioners. Even otherwise said tribe certificates are subject to verification by the committee.

6. In the light of the above, impugned orders are quashed and set aside. The respondent/Sub Divisional Officer shall issue tribe certificates to petitioners of 'Mannervarlu' (Scheduled Tribe), which certainly will have to be verified by the committee.

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

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]