

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

WRIT PETITION NO. 3941 OF 2018

Balaji S/o Tukaram Daparwad
Age : 19 Years Occu : Education
Through natural guardian i.e. Father
Tukaram Ramchandra Daparwad
Age : 40 years Occ : Labor work,
R/o, Mendka, Tq. Mudkhed,
Dist.Nanded.

...Petitioner

Versus

1. Sub Divisional Officer,
Bhokar, Tq. Bhokar,
Dist. Nanded.
2. Scheduled Tribe Certificate,
Scrutiny Committee, Aurangabad
Division, Aurangabad
Through its Member Secretary.

...Respondents

**WITH
WRIT PETITION NO. 3940 OF 2018**

Vishwamber Shankar Annapwad
Age : 21 Years Occu : Education
R/o, Mendka, Tq. Mudkhed,
Dist.Nanded.

...Petitioner

Versus

1. Sub Divisional Officer,
Bhokar, Tq. Bhokar,
Dist. Nanded.

(2)

2. Scheduled Tribe Certificate,
Scrutiny Committee, Aurangabad
Division, Aurangabad
Through its Member Secretary. ...Respondents

Mr. S.S.Phatale, Advocate for Petitioners
Mr. V.S.Badakh, A.G.P. for respondents

**CORAM : R.M. BORDE AND
A.M. DHAVAL, JJ.**

DATE: JUNE 04, 2018

ORAL JUDGMENT (Per : R.M. Borde, J.)

1. Heard.
2. Rule. With the consent of the parties, the petitions are taken up for final disposal at admission stage.
3. The request made by the petitioners in both the petitions for issuance of tribe certificate that they belong to 'Koli Mahadev' Scheduled Tribe has been turned down by the Sub Divisional Officer under order dated 26.08.2016 and 14.07.2017. The appeals presented by the respective petitioners to the Scrutiny Committee have been rejected on 23.03.2018.
4. Petitioner - Balaji placed reliance on the caste certificate issued to his father as well as cousin uncle by the Competent Authority. These certificates support applicant's

(3)

claim and also indicate that the applicants belong to 'Koli Mahadev' Scheduled Tribe.

5. In case of Petitioner - Vishwamber, apart from the school record, reliance is placed on the validity certificate issued to his real uncle.

6. In both these matters, the revenue authorities have recorded report in favour of the applicants. Prima facie, there is sufficient material for issuance of the tribe certificate. There is also no contra evidence brought to the notice of the court.

7. The report of the revenue authority, who has conducted the local enquiry also specifies that the petitioners prima facie belong to 'Koli Mahadev' Scheduled Tribe. This court has, time and again, opined that the tribe or the caste certificate shall have to be issued on the basis of prima facie material and no in-depth enquiry is contemplated at the stage of issuance of caste certificate. An individual is not entitled to claim the benefits on the basis of caste or tribe certificate in the matter of pursuing professional education or for the service benefits or other benefits under various schemes of the State Government. It is only at the stage of issuance of the validation certificate,

(4)

an in-depth enquiry is contemplated. It is also not warranted for the applicant to tender the whole evidence at the stage of an enquiry relating to issuance of the tribe certificate.

8. In spite of the observations made by this court in several matters, the Scrutiny Committee as well as the Sub Divisional Officer continue to reject the claims for issuance of the caste/tribe certificate on the ground that the concerned applicants failed to establish their claim by producing old documentary record. Such an attitude on the part of the Scrutiny Committees as well as the Sub Divisional Officers amounts to disregarding the directions issued by this court. The orders impugned in these petitions passed by the Sub Divisional Officer as well as the Scrutiny Committee are quashed and set aside.

9. The Sub Divisional Officer is directed to issue the caste certificates to the petitioners certifying that they belong to 'Koli Mahadev' Scheduled Tribe as expeditiously as possible preferably, within a period of six weeks from today.

10. It is needless to record that the tribe certificate issued to the petitioners will be subject to verification by the Competent Scrutiny Committee.

(5)

11. Rule is made absolute in above terms with no order as to costs.

(A.M.DHAVALA)
JUDGE

(R.M. BORDE)
JUDGE

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