IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3937 OF 2018

Santoshi D/o Durgadas Chintewad
Age : 18 years Occu : Education,
Through natural guardian i.e. Father
Durgadas Baburao Chintewad ...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

Mr. S.S.Phatale, Advocate for Petitioners
Mr. S.M.Ganachari, A.G.P. for respondents

CORAM : R.M. BORDE AND
A.M. DHAVALE, JJ.

DATE: JUNE 04, 2018

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

1. Heard.

2. Rule. With the consent of the parties, the petition is taken up for final disposal at admission stage.

3. The application tendered by the petitioner for issuance

of the tribe certificate certifying that she belongs to 'Mannervarlu' Scheduled Tribe has been turned down by the Sub Divisional Officer by order dated 14.07.2017. The appeal presented by the petitioner has also been rejected by the Scrutiny Committee by order dated 23.03.2018. The Scrutiny Committee as well as Sub Divisional Officer have turned down the request on the ground that petitioner has failed to present documentary evidence anterior to 06.09.1950 to demonstrate that she belongs to 'Mannervarlu', Scheduled Tribe. The petitioner has placed reliance on the tribe certificate issued to her real uncle on 05.03.1992 by the Taluka Executive Magistrate, Bhokar and her cousin brother on 27.07.2011 by the Dy. Collector (L.A.) B&C, Collector Office, Nanded. The tribe of the petitioner has been recorded as 'Mannervarlu' in the school record.

4. The report of the revenue authority, who has conducted the local enquiry also specifies that the petitioner, prima facie, belongs to 'Mannervarlu', Scheduled Tribe. There is also no contra evidence brought to the notice of the court. This court has, time and again, opined that the caste or tribe 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 the service benefits or other benefits under the schemes formulated by the State Government. It is only at the stage of issuance of the validation certificate, an in-depth enquiry is contemplated. It is also not warranted for the applicant to tender the whole evidence at the stage of conduct of an enquiry relating to the issuance of the tribe certificate.

5. In spite of the observations made by this court in several matters, the Scrutiny Committees as well as the Sub Divisional Officers 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 writ petition is thus, allowed. The orders impugned in this petition passed by the Sub Divisional Officer as well as the Scrutiny Committee are quashed and set aside.

6. The Sub Divisional Officer is directed to issue the tribe

certificate to the petitioner certifying that she belongs to 'Mannervarlu', Scheduled Tribe as expeditiously as possible preferably, within a period of six weeks from today.

7. It is needless to record that the tribe certificate issued to the petitioner will be subject to verification by the competent Scrutiny Committee and the observations made in this order are only restricted to proceedings relating to issuance of tribe certificate.

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

(A.M.DHAVALE)
JUDGE

(R.M. BORDE)
JUDGE

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