

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6837 OF 2018

Sukhdeo s/o Vithalrao Chavan
age 31 years, occ. education
r/o Umra, Post Kansur, Tq. Pathri
Dist. Parbhani

Petitioner

Versus

1. The State of Maharashtra
Through Principal Secretary
Tribal Development Department
Mantralaya, Mumbai
2. The Caste Verification Scrutiny Committee
For Schedule Tribe, near CIDCO Bus Stand
Aurangabad.
3. The Sub Divisional Officer,
Selu, Tq. Selu
Dist. Parbhani
4. The Tahsildar, Pathri
Dist. Parbhani

Respondents

Mr. V.M. Humbe, advocate for petitioner.
Mrs. M.A.Deshpande, A.G.P. for respondents.

**CORAM : R.M.BORDE &
A.M. DHAVAL, JJ.**
DATE : 29th JUNE, 2018

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

1. Rule. Rule made returnable forthwith.
2. Heard finally at admission stage, with the consent of learned counsel for the respective parties.

3. Petitioner is aggrieved by order passed by the Sub-Divisional officer, Selu, refusing to issue tribe certificate as requested by petitioner, which order has been confirmed by the Scrutiny Committee while dealing with appeal presented by petitioner.

4. Petitioner claims to be belonging to 'Koli Mahadev' Scheduled Tribe and has requested the Sub-Divisional Officer, Selu, to issue tribe certificate accordingly. Petitioner, in order to substantiate his claim, has placed reliance on the school record wherein entry in respect of tribe has been recorded as 'Mahadev Koli'. The school record of the real sister of petitioner also indicates entry in respect of tribe as 'Mahadev Koli'. Real uncle of petitioner by name Ramkisan is in receipt of tribe certificate issued by the competent authority. So also, another blood relation namely Shrikisan has also received validity certificate. The enquiry report tendered by revenue officer after conducting due enquiry also supports the claim of the petitioner.

5. The evidence relied upon by petitioner is prima facie sufficient to claim issuance of certificate. It has been recorded by this Court in several judgments that the tribe certificate is required to be issued by the competent authority on the basis of prima facie material and, indepth enquiry is not contemplated at the stage of issuance of tribe certificate. It would be open for the Scrutiny Committee to conduct proper enquiry in accordance with the rules after securing report of the Vigilance Committee and after extending an opportunity of hearing to all the parties concerned. The individual is not entitled to claim benefits in the matter of education or holding the elected office or for securing benefits from

the Government merely on the basis of the tribe certificate and the tribe certificate is required to be validated by the competent Scrutiny Committee.

6. In view of above, according to us, orders passed by the Sub-Divisional Officer as well as Scrutiny Committee deserve to be quashed and set aside and the same are accordingly quashed and set aside. Respondent - Sub Divisional Officer is directed to issue tribe certificate to the petitioner in the prescribed proforma, as expeditiously as possible, preferably within a period of two weeks from today and it is accordingly directed. Rule is made absolute to the extent as specified above. There shall be no order as to costs.

A.M. DHAVALÉ
JUDGE

R.M.BORDE
JUDGE

dyb