

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

WRIT PETITION NO.5259 OF 2018

Tanupriya d/o Murlidhar Populwad,
Age 18 years, Occu. Student,
R/o Gokunda, Taluka Kinwat,
District Nanded

.. Petitioner

Versus

1. The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32
2. The Sub-Divisional Officer,
Kinwat, District Nanded

.. Respondents

Mr Apparao Yenegure, Advocate for petitioner
Mr A.B. Girase, Government Pleader for respondents

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

DATE : 6th June 2018

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

1. Heard.
2. Rule. With the consent of the parties, petition is taken up for final disposal at admission stage.
3. The petitioner claims to be belonging to Mannervarlu - Scheduled Tribe. She tendered application praying for issuance of tribe certificate to the Sub-Divisional Officer, Kinwat, District Nanded. However, the Sub-Divisional Officer has refused to entertain the application and rejected the same by order dated 5th May 2018. The petitioner, in order to substantiate her contention, placed reliance on the caste certificate issued to the father of the petitioner on 8th May 1991 by the Tahsildar and Taluka Executive Magistrate, Kinwat. The school record of the petitioner indicates that she belongs to

Mannervarlu - Scheduled Tribe. The petitioner also placed reliance on the certificates of validity issued to two real uncles by name Balaji Kishanrao Populwad and Avdhut Kishanrao Populwad. There does not appear to be any adverse evidence against the petitioner. The evidence placed on record by the petitioner prima facie is sufficient for her to claim issuance of tribe certificate. The certificate issuing authority is expected to issue the validity certificate on the basis of prima facie material and in-depth inquiry at the stage of issuance of certificate is not contemplated. The tribe certificate issued to individual is subjected to scrutiny and the competent Scrutiny Committee is statutorily bound to conduct an in-depth inquiry and render a decision.

4. In this view of the matter, considering the fact that the petitioner is a student and needs the certificate for educational purpose urgently, since she has appeared for NEET examination, without insisting for the approach of the petitioner to the authority, we set aside the order dated 5th May 2018 passed by respondent no.2 - Sub-Divisional Officer, Kinwat and direct the concerned respondent to issue the tribe certificate recording the correct spelling of the tribe, in the prescribed proforma to the petitioner, as expeditiously as possible, preferably within a period of two weeks from today.

5. Rule is made absolute in above terms. There shall be no order as to costs.

(A.M. DHAVAL, J.)

(R.M. BORDE, J.)