

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

WRIT PETITION NO. 5619 OF 2018

1. Durgeshwari D/o Balaji Nalamwad
Age:- Minor, Occu-Education,
R/o; Therban, Tq: Bhokar
Dist. Nanded
Through grandfather & Power
of Attorney Holder Gangadhar S/o Narayan
Puranshettiwar Age: 68 Years,
Occ. Retired R/o: Gujrati Galli, Tilak Nagar,
Dharmabad Tq.Dharmabad,
Dist. Nanded ...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department
Mantralaya, Mumbai
2. The Scheduled Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director ®
Aurangabad
3. The Sub Divisional Officer Bhokar
District : Nanded ...Respondents

Mr. S.M.Vibhute, Advocate for Petitioner
Mr. V.S. Badakh, AGP for Respondents

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

DATE: 12th June, 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 petitioner is objecting to the orders passed by the Sub Divisional Officer refusing to issue tribe certificate as requested by the petitioner as well as the order passed by the Scrutiny Committee dismissing the appeal presented by the petitioner. The petitioner claims that she belongs to 'Mannervarlu' Scheduled Tribe. She tendered application to the Sub Divisional Officer requesting to issue caste certificate certifying that she belongs to 'Mannervarlu', Scheduled Tribe. The application has been turned down on the ground that petitioner has failed to submit documentary evidence prior to 1950. It has been recorded by this court in several matters that the tribe certificate shall be issued by Competent Authority on the basis of *prima facie* material and the detailed inquiry is contemplated only at the stage of issuance of validation certificate. In spite of several clear directions contained in various judgments, Sub Divisional Officers as well as the Scrutiny Committees are continuing

to commit same mistakes, which are otherwise avoidable. In the instant matter, the father of the petitioner has been issued a caste certificate by the Taluka Executive Magistrate on 04.07.1991. The school record of the father of the petitioner as well as the petitioner indicates that they belong to 'Mannervarlu' Scheduled Tribe. The mother of the petitioner has also been issued a tribe certificate certifying that she belongs to 'Mannervarlu' Scheduled Tribe by the Taluka Executive Magistrate on 30.07.1994. The school record of the mother of the petitioner also indicates that she belongs to aforesaid tribe. The local inquiry conducted by revenue authority also favours the petitioner. In these circumstances, there was no satisfactory reason for the Sub Divisional Officer as well as the Scrutiny Committee to refuse to issue tribe certificate as requested by the petitioner. For the reasons recorded above, the writ petition is allowed. The impugned orders passed by the Sub Divisional Officer as well as the respondent No.2 - Scrutiny Committee are quashed and set aside.

4. The respondent No. 3 - Sub Divisional Officer is directed to issue tribe certificate in prescribed proforma as

requested by the petitioner within a period of one week from today.

5. It is needless to record that the observations made in the instant order are made on the basis of *prima facie* satisfaction and it would be open for the Scrutiny Committee to arrive at an appropriate finding while considering claim for issuance of the validity certificate to the petitioner.

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

(A.M.DHAVALA)
JUDGE

(R.M.BORDE)
JUDGE

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