

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6521 OF 2018

1 Prashantkumar Pandurang Lendewad,
Age: 16 years (minor), occu: education,

2 Praveenkumar Pandurang Lendewad
Age: 17 years Occu: education
through natural guradian i.e. father
Pandurang Ramji Lendewad
Age: 47 years, occu: service,
R/o Pimpalkauatha, Tq. Mukhed
Dist. Nanded

Petitioners

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 the petitioners
Mrs. M.A. Deshpande, Additional Government Pleader for respondents

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

Date : 26TH 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 decision at admission stage.

3 The request of the petitioners for issuance of tribe certificate certifying that they belong to Manervarlu, scheduled tribe has been turned down by the Sub-divisional Officer and the said order has been confirmed by the scrutiny committee.

4 The petitioners contend that the basic record such as entry in the own school record as well as the school record of their father records the tribe of the petitioners as *Manervarlu*. The father of the petitioners as well as their cousin brother are in receipt of tribe certificates issued by the competent authority. The report of the local inquiry conducted by the revenue official also supports the claim of the petitioners.

5 According to us, there is a *prima-facie* material available with the petitioners, facilitating them to claim tribe certificate from the competent authority. It has been recorded by this Court in several orders that, the tribe certificates shall have to be

issued on the basis of *prima-facie* material and a detail enquiry is contemplated at the stage of issuance of validation certificate.

6 In this view of the matter, writ petition deserves to be allowed and the same is accordingly allowed. The orders passed by the Sub Divisional Officer as well as the scrutiny committee are quashed and set aside. The Respondent No.1 Sub Divisional Officer is directed to issue the tribe certificate, certifying that the petitioners belong to *Manervarlu*, scheduled tribe, as expeditiously as possible and preferably within a period of two months from today.

7 Rule is made absolute accordingly.

8 There is no order as to costs.

(A.M. DHAVALA, J)

(R.M. BORDE, J)