

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

WRIT PETITION NO. 6151 OF 2018

1. Kunal S/o Prabhakar Donkalwar,
Age : 18 yers, Occu : Education,
2. Rohini D/o Prabhakar Donkalwar
Age : 22 years Occ : Education,
3. Pooja D/o Prabhakar Donkalwar
Age : 24 years Occu : Education
All are R/o, Dundra Tq. Kinwat,
Dist. Nanded.

...Petitioners

Versus

1. Sub Divisional Officer,
Kinwat, Tq. Kinwat,
Dist. Nanded.
2. Scheduled Tribe Certificate,
Scrutiny Committee, Aurangabad
Division, Aurangabad,
Through its Member Secretary.

...Respondents

Mr. S.S. Phatale, Advocate for Petitioner
Mr. P.S. Patil, AGP for Respondent-State

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

DATE : 20th 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 petitioners claim to belong to 'Mannervarlu' scheduled tribe. The applications tendered by the petitioners for issuance of tribe certificates to the Sub Divisional officer, Kinwat have been rejected by order dated 15.03.2018. The appeals filed against the said order have also been turned down by the Scrutiny Committee.

4. The petitioners, in order to substantiate their claims, placed reliance on the school record, wherein the entries showing petitioners and their father to be belonging to the tribe 'Mannervarlu' have been recorded.

5. The father of the petitioners has also been issued tribe certificate by the competent authority on 07.01.1982, certifying that he belongs to 'Mannervarlu' scheduled tribe. The cousin brother of the petitioners by name, Vishal Rajanna Donkalwar, is in receipt of the validation certificate issued by the Scrutiny Committee. Apart from this, on conducting local inquiry, the revenue official has tendered a report informing that during the local inquiry, it has transpired that petitioners belong to 'Mannervarlu' scheduled tribe. The Scrutiny Committee has refused to place reliance on the documentary evidence for the reasons that no old school record has been placed before it.

6. It has been held in several judgments by this court time and again that the tribe certificate has to be issued on the basis of *prima facie* material and detailed inquiry is contemplated only at the stage of issuance of validation certificate. The petitioners are not entitled to secure benefit in the matter of education and employment unless their tribe certificates are validated by the Scrutiny Committee.

7. In view of the above, we are of the opinion that the Sub Divisional Officer as well as Scrutiny Committee have committed error in turning down the request of the petitioners for issuance of tribe certificates. The order passed by both the authorities, are therefore quashed and set aside. The Sub Divisional Officer, Kinwat, is directed to issue the caste certificate, certifying that petitioners belong to 'Mannervarlu' schedule tribe as expeditiously as possible preferably within a period of two weeks from the date of receipt of this order.

8. Rule is made absolute in above terms. The petition is disposed of. There shall be no order as to costs.

[A. M. DHAVAL]
JUDGE

[R. M. BORDE]
JUDGE

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