

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6216 OF 2018

Chandrama D/o Chandrakant Pallewad
age 18 years, occ. education
r/o Bachoti, Tq. Kandhar
Dist. Nanded

Petitioner

Versus

1. The State of Maharashtra
Through its Secretary
Tribal Development Department
Mantralaya, Mumbai.
2. The Schedule Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director (R)
Aurangabad.
3. The Sub Divisional Officer
Kandhar
Dist. Nanded

Respondents

Mr. S.M. Vibhute, advocate for petitioner.
Mrs. M.A. Deshpande, A.G.P. for respondents.

**CORAM : R.M.BORDE &
A.M. DHAVAL, JJ.**
DATE : 21st 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, Nanded, refusing to issue tribe certificate certifying that petitioner belongs to Mannervarlu, Scheduled Tribe, as well as order passed by the Scrutiny Committee, Aurangabad, rejecting the appeal presented by petitioner challenging the decision of the Sub-Divisional Officer, Nanded.

4. Petitioner claims to be belonging to Mannervarlu, Scheduled Tribe and has been selected for training in company namely Indo German Tools. Since petitioner has been selected as against the vacancy reserved for Scheduled Tribe category, he is required to tender tribe certificate within specified period. Application tendered by petitioner to the Sub-Divisional Officer, Nanded for issuance of tribe certificate has been rejected and said order has been confirmed by the Scrutiny Committee. Petitioner relies upon tribe certificate issued in favour of his father by the competent authority on 28.07.1989. The school record of petitioner records entry in respect of tribe as Mannervarlu. Apart from this, the cousin uncle of petitioner has been issued validity certificate by the competent scrutiny committee. The evidence produced by petitioner before the Sub-Divisional Officer is sufficient to claim issuance of tribe certificate. The request made by petitioner has been turned down by both the authorities on the ground that petitioner has failed to submit pre-independence document to substantiate his claim.

5. It has been recorded in several judgments by this Court that the issuing authorities are required to consider the request on the basis of prima facie material and a detailed enquiry is not contemplated at the stage of issuance of tribe certificate. An

individual desirous of securing benefits in the matter of education or employment is required to furnish validity certificate and, at the stage of issuance of validity certificate, the Scrutiny Committee is expected to conduct indepth enquiry. According to us, the documents submitted by petitioner prima facie establish his case for limited purpose of issuance of tribe certificate.

6. In this view of the matter, the orders passed by the Sub-Divisional Officer, Nanded as well as Scrutiny Committee are quashed and set aside. The Sub-Divisional Officer, Nanded is directed to issue tribe certificate to petitioner certifying that he belongs to Mannervarlu Scheduled Tribe, as expeditiously as possible, preferably within a period of one week from today. It is clarified that the observations made in the instant order are of prima facie nature and, while determining the claim of issuance of validity certificate to the petitioner, appropriate indepth enquiry deserves to be conducted by the Scrutiny Committee. Rule is accordingly made absolute. No costs.

A.M. DHAVALÉ
JUDGE

R.M.BORDE
JUDGE

dyb