

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6233 OF 2018

1. Mayuri d/o Maneji Mupde
age 18 years, occ. education
r/o Mangalsangvi, Tq. Kandhar
Dist. Nanded
2. Champati s/o Maneji Mupde
age minor, occ. education
r/o Mangalsangvi, Tq. Kandhar
Dist. Nanded
Through father & natural guardian
Maneji s/o Champati Mupde
age 40 years, occ. agril labourer
r/o as above.

Petitioners

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.
Mr. S.M. Ganachari, 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. Petitioners are aggrieved by order passed by the Sub-Divisional Officer, Nanded, refusing to issue tribe certificate certifying that petitioners belong to Mannervarlu, Scheduled Tribe, as well as order passed by the Scrutiny Committee, Aurangabad, rejecting the appeal presented by petitioners challenging the decision of the Sub-Divisional Officer, Nanded.
4. Petitioners claim to be belonging to Mannervarlu, Scheduled Tribe. Petitioners tendered application to the Sub-Divisional Officer, Nanded on 30.07.2017 requesting to issue tribe certificate in their favour. However, the Sub-Divisional Officer, Nanded rejected the application and said order has been confirmed by the Scrutiny Committee. Petitioners rely upon tribe certificate issued in favour of their father by the competent authority on 24.10.2001. The school records of petitioners record entry in respect of tribe as Mannervarlu. The evidence produced by petitioners before the Sub-Divisional Officer is sufficient to claim issuance of tribe certificate. The request made by petitioners has been turned down by both the authorities on the ground that petitioners have failed to submit pre-independence document to substantiate their 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 petitioners prima facie establish their 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 petitioners certifying that they belong to Mannernvarlu 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 petitioners, 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