

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6511 OF 2018

Shanta Madhav Pachrande,
Age: Minor, Occu: Student
Under guardianship of father
Madhav Jalbaji Pachrande
Age: 45 years, occu: agri
R/o Telangwadi, Tq. Kandhar
Dist. Nanded

Petitioner

Versus

1 The State of Maharashtra
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai - 32

2 The Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division,
Aurangabad
through its Deputy Director (R)
Aurangabad

3 The Sub-Divisional Officer,
Kandhar, Tq. Kandhar
Dist. Nanded

Respondents

Mr. P.V. Jadhavar advocate for petitioner

Mrs. M.A. Deshpande, Additional Govt. 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 disposal at admission stage.

3 Request made by the petitioner for issuance of tribe certificate, certifying that she belongs to Mannervarlu, scheduled tribe has been turned down by the Sub Divisional Officer, Kandhar and an appeal preferred to challenge the said decision has also been turned down by the scrutiny committee.

4 The petitioner, in order to substantiate her contention, has placed reliance on her school record, wherein entry in respect of tribe Mannervarlu has been recorded. Apart from this, the father of the petitioner Madhav Jalbaji has been issued caste certificate by the competent authority on 30.7.2001. It is further informed that the cousin brother of the petitioner is in receipt of validation certificate issued by the scrutiny committee on 29.11.2015. The report in respect of local enquiry conducted by the revenue official supports the contention of the petitioner.

5 There is sufficient prima facie material for issuance of the tribe certificate as requested by the petitioner. It has been

recorded in several Judgments delivered by this Court that the tribe certificates are required to be issued on the basis of prima facie material and detail enquiry is contemplated only at the stage of issuance of validation certificate.

6 Considering this aspect of the matter, the writ petition deserves to be allowed and the same is accordingly allowed. The orders passed by the Sub Divisional Officer and the Scrutiny Committee are quashed and set aside. The Sub Divisional Officer is directed to issue tribe certificate in the prescribed proforma in favour of the petitioner as expeditiously as possible and preferably within a period of two months from today.

7 Rule is made absolute to the extent specified above.

8 There shall be no order as to costs.

(A.M. DHAVALA, J)

(R.M. BORDE, J)