

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

WRIT PETITION NO. 6581 OF 2018

1. Vishal S/o Rajaram Adapwad
Age : Minor, Occu. Education,
R/o. Shirur, Tq. Umri, Dist. Nanded,
Through father & natural guardian
Rajaram S/o Ganpati Adapwad,
Age : 42 years, Occu. Labourer,
R/o. As above.
2. Ankita D/o Rajaram Adapwad,
Age : Minor, Occu. Education,
R/o. Shirur, Tq. Umri, Dist. Nanded,
Through father & natural guardian
Rajaram S/o Ganpati Adapwad,
Age : 42 years, Occu. Labourer,
R/o. As above.

Petitioners...

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Verification Committee, Aurangabad,
Through its Deputy Director (R),
Aurangabad.

Respondents...

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Mr Sunil M. Vibhute, Advocate or the petitioners
Mrs M. A. Deshpande, AGP for respondent/State
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**CORAM : R. M. BORDE &
A. M. DHAVAL, JJ.**

DATE : 27TH JUNE, 2018.

ORAL JUDGMENT [PER R. M. BORDE, J.] :-

1. Rule. Rule made returnable forthwith. Heard finally at admission stage with the consent of learned counsel for the respective parties.

2. The petitioners, who claim to belong to Mannervarlu, Scheduled Tribe, are objecting to the order passed by the Sub-Divisional Officer, Dharmabad, rejecting their request for issuance of tribe certificate as well as order passed by the Scrutiny Committee, Aurangabad, dismissing the appeals presented by the petitioners challenging the order passed by the Sub-Divisional Officer. Petitioners rely upon the tribe certificate issued by the competent authority in favour of their father and grandfather. The school records of petitioners record entry in respect of tribe as Mannervarlu. The report of the Revenue Officer also supports the claim of the petitioners. According to us, the petitioners have produced sufficient material in support of their claim for 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.

3. 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 in-depth enquiry. According to us, the documents submitted by petitioners *prima facie* establish their case for issuance of tribe certificate.

4. In this view of the matter, the orders passed by the Sub-Divisional Officer, Dharmabad, Dist. Nanded, as well as Scrutiny Committee, Aurangabad, are quashed and set aside. The Sub-Divisional Officer, Dharmabad is directed to issue tribe certificate to petitioners certifying that they belong to Mannervarlu Scheduled Tribe, as expeditiously as possible, preferably within a period of two weeks from today.

5. Rule is accordingly made absolute. No costs.

[A. M. DHAVALA]
JUDGE

[R. M. BORDE]
JUDGE