

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

WRIT PETITION NO. 6580 OF 2018

Bajrang S/o Uttam Nirde
Age : 18 years, Occu. Education,
R/o. Borgaon (Ko), Tq. Kandhar,
Dist. Nanded.

Petitioner...

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.
3. The Sub-Divisional Officer, Kandhar,
District Nanded.

Respondents...

WITH
WRIT PETITION NO. 6605 OF 2018

Satish S/o Gangadhar Nirde
Age : 20 years, Occu. Education,
R/o. Borgaon (Ko), Tq. Kandhar,
Dist. Nanded.

Petitioner...

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.

3. The Sub-Divisional Officer, Kandhar,
District Nanded. Respondents...

.....
Mr Sunil M. Vibhute, Advocate for the petitioner
Mrs M. A. Deshpande, AGP for respondent/State
.....

**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. With the consent of the parties, the petitions are taken up for final disposal at admission stage.

2. The petitioners, who are cousin brothers, are objecting to the orders passed by the Sub-Divisional Officer, refusing to issue tribe certificate in their favour certifying that they belong to Mannervarlu, Scheduled Tribe, as well as the order of the Scrutiny Committee, Aurangabad, rejecting the appeals presented by them challenging the order passed by the Sub-Divisional Officer. The petitioners claim to belong to Mannervarlu, Scheduled Tribe, and are desirous of securing admission to educational institution and as such, tendered

application to the Sub-Divisional Officer to issue them certificates in a prescribed proforma. According to the petitioners, the real brother of the petitioner in Writ Petition No. 6605 of 2018 by name Shankar Gangadhar Nirde and real paternal cousin brother of petitioner in Writ Petition No. 6580 of 2018 have been issued a certificate of validity by the competent scrutiny committee. Apart from this, the father of both the petitioners are in receipt of the tribe certificate issued by the competent authority. The school records of the petitioners record entry in respect of tribe as Mannervarlu so also the report of local enquiry conducted by the Revenue Official also supports the claim of the petitioners. In view of the material placed on record by the petitioners, which according to us, is sufficient to *prima facie* establish their claim for issuance of tribe certificate.

4. This Court in number of judgments has recorded that, the tribe certificates are required to be issued on the basis of *prima facie* material and no in-depth inquiry is contemplated at the time of issuance of tribe certificate and appropriate inquiry needs to be conducted in accordance with the provisions of the rules at the stage of issuance of validation certificate. There is a strong evidence placed on record by the petitioners in the form of validation certificate of the real brother of the petitioner in Writ Petition No. 6605 of 2018 and

real paternal cousin brother of the petitioner in Writ Petition No. 6580 of 2018, which is sufficient to support the claim of the petitioners.

5. For the reasons recorded above, the orders impugned in these petitions passed by the Sub-Divisional Officer, Kandhar, and the Scrutiny Committee, Aurangabad, are quashed and set aside. The Sub-Divisional Officer is directed to issue tribe certificate in the prescribed proforma to both the petitioners as expeditiously as possible, preferably within a period of two weeks from today.

6. Rule is made absolute in the above terms with no order as to costs.

[A. M. DHAVALE]
JUDGE

[R. M. BORDE]
JUDGE

Punde