

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

WRIT PETITION NO. 7667 OF 2018

1. Kapil Narayan Pawar
Age : 26 years, Occu. Education.
2. Sadanand Narayan Pawar,
Age : 28 years, Occu. Education.
3. Dnyaneshwar Narayan Pawar,
Age : 29 years, Occu. Education.
4. Sarita D/o Narayan Pawar,
Age : 31 years, Occu. Education,

All R/o. Nathnagar, Tq. Degloor,
Dist. Nanded.

Petitioners...

Versus

1. Sub-Divisional Officer,
Degloor, Tq. Degloor,
Dist. Nanded.
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad,
through its Member Secretary

Respondents...

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Mr Sunil M. Vibhute, Advocate h/f Mr S. S. Phatale, Adv. for the
petitioner
Mrs M. A. Deshpande, AGP for respondent/State
.....

**CORAM : R. M. BORDE &
A. M. DHAVAL, JJ.**

DATE : 12TH JULY, 2018.

ORAL JUDGMENT (PER R. M. BORDE, J.) :-

1. Rule. Rule made returnable forthwith. With the consent of the parties, the petition is taken up for final disposal at the stage of admission.

2. The petitioners, brother and sister *inter se*, are aggrieved by the orders passed by the Sub-Divisional Officer as well as the order passed by the Scrutiny Committee refusing to issue tribe certificate in favour of the petitioners. The petitioners claim to belong to Thakur, a Scheduled Tribe. The application tendered by the petitioners to the Sub-Divisional Officer for issuance of tribe certificate has been rejected and the appeal presented to the Scrutiny Committee has also been turned down. The petitioners placed reliance on the tribe certificate issued to the father of the petitioners Narayan s/o. Maroti Pawar as well as the certificates issued in favour of Alka d/o Narayan Pawar, Sarita d/o Narayan Pawar and Kapil s/o Narayan Pawar. The petitioners also rely upon the validation certificate issued to their cousin brother namely Sanjay s/o Narayan Pawar. Apart from the aforesaid findings, the school record of the petitioners indicate that they belong to 'Thakur', a Scheduled Tribe. There is sufficient evidence produced by the petitioners to substantiate their claim. 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.

3. For the reasons as aforesaid, the writ petition deserves to be allowed and same is accordingly allowed. The respondent – Sub-Divisional Officer is directed to issue tribe certificate in the prescribed proforma in favour of the petitioners certifying that they belong to Thakur, a Scheduled Tribe, as expeditiously as possible, within a period of three weeks from today and it is accordingly directed.

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

[A. M. DHAVALE]
JUDGE

[R. M. BORDE]
JUDGE