

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

WRIT PETITION NO. 7507 OF 2018

Neha Rameshrao Perke,
Age: 20 yrs, Occu: Education,
R/o: Gokunda, Tq. Kinwat,
Dist. Nanded. ..Petitioner

Versus

1. Sub Divisional Officer,
Tq. Kinwat, Dist. Nanded.
2. Scheduled Tribe Certificate,
Scrutiny Committee, Aurangabad.
Division, Aurangabad,
Through its Member Secretary. ..Respondents

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Mr. Phatale S. Sagar, Advocate for Petitioner.
Mr. S.M. Ganachari, AGP for Respondent/State.

...

**CORAM : R.M.BORDE AND
A.M.DHAVALA, JJ.**

DATE: 10th July, 2018

ORAL JUDGMENT:
(per R.M. Borde, J.)

. Heard.

2. Rule. With the consent of the parties,
petition is taken up for final disposal.

3. Since, the petitioner has already
appeared for MHT-CET 2018 and is desirous of
securing admission to professional course instead

of relegating the petitioner to avail of the appellate remedy, we deem it appropriate to take up the matter for consideration.

4. The petitioner belongs to 'Mannervarlu' Scheduled Tribe. She tendered an application to the Sub Divisional Officer for issuance of the tribe certificate in prescribed proforma however, her request has been turned down by the Sub Divisional Officer. The petitioner contends that her school records indicates that she belongs to 'Mannervarlu' Scheduled Tribe. Her father is in receipt of the tribe certificate issued by the Competent Authority. Apart from this, according to her about 9 blood relations have been issued validation certificate by the Scrutiny Committee. The affidavit of the petitioner together with the genealogy is produced at page no. 22 of the petition's compilation.

5. Considering these aspects, we are of the

opinion that the petitioner has *prima facie* established her entitlement for issuance of tribe certificate. As has been recorded in several judgments that the tribe certificate shall have to be issued by the issuing authority on the basis of the *prima facie* material and a detailed enquiry is contemplated only at the stage of issuance of validation certificate.

6. Considering the aspects as referred to above, the writ petition deserves to be allowed and the same is allowed. The order passed by the Sub Divisional Officer impugned in this petition dated 15.06.2018 is quashed and set aside.

7. Respondent no.1-Sub Divisional Officer, Kinwat is directed to issue the tribe certificate to the petitioner in the prescribed proforma as expeditiously as possible, preferably within a period of one week from today and it is accordingly directed.

8. Rule is made absolute to the extent as specified above.

9. There shall be no order as to costs.

(A.M.DHAVALA)
JUDGE

(R.M.BORDE)
JUDGE

Mujaheed