

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

WRIT PETITION NO.11472 OF 2018

Aruna Balaji Nirde,
Age-22 years, Occu. Nil,
R/o Borgaon (Ko), Tq. Kandhar,
District Nanded.

... **Petitioner**

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Schedule Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director [R],
Aurangabad.
3. The Sub-Divisional Officer, Kandhar,
District Nanded.

... **Respondents**

...
Mr. S.M.Vibhute, Advocate for Petitioner
Mr. S.B.Yawalkar, AGP for Respondents–State
...

**CORAM : R.M.BORDE AND
MANGESH S. PATIL, JJ.**

DATE : 15.10.2018

ORAL JUDGMENT : (Per R.M.Borde, J.) :-

Heard. Rule. Rule returnable forthwith. With the consent of parties, the Petition is taken up for final disposal at the admission stage.

2. The petitioner is aggrieved by the order passed by the Sub-Divisional Officer as well as the Scrutiny Committee refusing to issue the Tribe Certificate to the petitioner certifying that he belongs to the Mannervarlu Tribe. The petitioner places reliance on the Tribe Certificate issued to his father by the Deputy Collector and Special Land Acquisition Officer, Nanded on 18.01.2002 so also the Tribe Validity Certificate issued in favour of one Satish Raghoji Nirde who is claimed to be the blood relative of the petitioner. Apart from this, the School record of the petitioner contains an entry in respect of the tribe as Mannervarlu. The report of local enquiry also supports the claim of the petitioner. It must be understood that the Tribe Certificate/Caste Certificate shall be issued on the basis of prima facie material and a detailed inquiry is contemplated at the stage of issuance of validity certificate. An individual from reserved category may not be in a position to secure the benefits under the Government policy or in the matters of educational and employment, unless it produces a validation certificate and at the stage of issuance of validation certificate, the petitioner is expected to lead evidence and substantiate his claim.

3. In view of the reasons as recorded above, the order passed by SDO as well as the Scrutiny Committee impugned in this petition, are quashed and set aside. Respondent No.3 is directed to issue the Caste Certificate in favour of the petitioner as requested by him certifying that he belongs to Mannervarlu Scheduled Tribe, as expeditiously as possible, preferably within a period of 2 weeks from today and it is accordingly directed.

4. With the directions as above, the Writ Petition is disposed of. Rule is made absolute to the extent as specified above. There shall be no order as to costs.

(MANGESH S. PATIL, J.)

(R.M.BORDE, J.)

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vmk/-