

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

WRIT PETITION NO.10182 OF 2018

Rutuja D/o Dnyaneshwar Adatrao,
Age : Minor, Occu : Education,
U/g of Dnyaneshwar S/o Gendev Adatrao,
Age : 35 years, Occu : Agril.,
R/o. Karajkheda,
Tq. and Dist. Osmanabad. ... **Petitioner**

Versus

1. The State of Maharashtra
Through Sub Divisional Officer,
Osmanabad, Tq. and Dist. Osmanabad.
2. The Principal,
Jawahar Navodaya Vidyalaya,
Tulajapur, Dist. Osmanabad. ... **Respondents**

...
Mr. O.B.Boinwad, Advocate for Petitioner
Mr. P.S.Patil, AGP for Respondent-State
...

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

DATE : 06.09.2018

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

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

2. The request made by the petitioner for issuance of Tribe Certificate have been turned down by the Sub Divisional Officer, Osmanabad vide order dated 29.08.2018 mainly on the ground that the old record has not been submitted before the Sub Divisional Officer, Osmanabad. It has been recorded by this Court in several judgments that the caste certificate is required to be issued by the issuing authority on the basis of prima facie material and a detailed inquiry is contemplated only at the stage of issuance of validation certificate. In the instant matter, the petitioner has relied upon the validation certificate issued to the cousin paternal uncle, apart from the other evidence in the form of school record in respect of the petitioner herself which indicates the entry of tribe. The Revenue Circle Inspector on conducting local inquiry has also reported that the petitioner appears to be a member of Scheduled Tribe category.

3. In view of above, the order passed by the Sub Divisional Officer, Osmanabad refusing to issue Tribe

Certificate deserves to be quashed and set aside and same is accordingly quashed and set aside. The Sub Divisional Officer, Osmanabad is directed to issue the Tribe Certificate to the petitioner forthwith.

4. With the directions as above, the Writ Petition is disposed of. Rule is made absolute to the extent as specified above. No costs.

(MANGESH S. PATIL, J.)

(R.M.BORDE, J.)

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vmk/-