

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

WRIT PETITION NO. 11518 OF 2018

Sanjay S/o Baburao Korbanwad
Age: 28 years, Occ: Private Service,
R/o Lahan, Tq. Ardhapur,
Dist. 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 Nanded,
District Nanded.

... **Respondents**

Mr. S.S. Phatale h/f. S.M. Vibhute, Advocate for the Petitioner.
Mr. P.S. Patil, AGP for Respondent Nos.1 to 3.

**CORAM : R.M. BORDE &
MANGESH S. PATIL, JJ.**
DATE : 17.10.2018

ORAL JUDGMENT:

Heard.

2. Rule.

3. With the consent of the parties the petition is taken up for final disposal at admission stage.

4. The petitioner is objecting to the order passed by the Sub-Divisional Officer as well as by the Scrutiny Committee rejecting his request for issuance of tribe certificate. The petitioner places reliance on the tribe certificate issued in favour of his father on 31.01.1992 by the Taluka Executive Magistrate, Bhokar. The school record of the petitioner also indicates an entry in respect of the tribe as 'Mannervarlu'. The report of local inquiry also discloses that the petitioner belongs to the aforesaid tribal community. There appears to be *prima facie* material to substantiate the contentions of the petitioner. A tribe certificate deserves to be issued on the basis of *prima facie* material and a detailed inquiry is contemplated only at the stage of issuance of validation certificate. The aforesaid proposition has been laid down by this Court however the same has been overlooked by both the authorities.

5. For the reasons recorded above the writ petition deserves to be allowed and the same is accordingly allowed. The orders impugned in this petition passed by the Sub-Divisional Officer as well as the Scrutiny Committee are quashed and set aside and the Sub-Divisional Officer/respondent no.3 herein is directed to issue the tribe certificate in the prescribed proforma certifying that the petitioner belongs to 'Mannervarlu'

Scheduled Tribe as expeditiously as possible and preferably within a period of three weeks from today and it is accordingly directed.

6. The observations made in this order are *prima facie* in nature and we have not examine the correctness or otherwise the contentions of the petitioner as regards his belonging to the aforesaid 'Mannervarlu' tribe and it would be open for the scrutiny committee to inquire into all the relevant aspects and take appropriate decision at an appropriate stage.

7. With the directions as above, the writ petition is disposed of. Rule made absolute to the extent as specified above. There shall be no order as to the costs.

[MANGESH S. PATIL, J.]

[R.M. BORDE, J.]