

-1-

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

WRIT PETITION NO. 10255 OF 2018

Amol S/o Kondiba Marpadwad
Age : Minor, Occu : Education
R/o Vanbhujwadi Tq. Palam
Dist.Parbhani
Through Natural Guardian/Father
Kondiba S/o Pandit Marpadwad
Age 47 years, Occu : Labourer
R/o As above.

.. PETITIONER

Versus

- 1] The Union of India
Through its Secretary to
Ministry of Human Resource
Development Department of
Science and Higher Education
Government of India.
- 2] The Principal,
Jawahar Navodaya Vidyalaya,
Ministry of Human Resource
Development Department
of Science and Higher Education
Government of India
Balsa, Marathwada Agriculture
University Area, Parbhani
Tq. Parbhani, Dist.Parbhani.

[copies of respondent no.1 and 2
are to be served upon the Standing
Counsel for the Union of India, at
High Court Bombay Bench at
Aurangabad]

-2-

3] The Sub Divisional Officer
Gangakhed, Dist.Parbhani RESPONDENTS

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Mr.S.M.Vibhute,Advocate for petitioner.

Mr.Amol N. Patale for respondents 1 and 2.

Mr.P.S.Patil, AGP for respondent no.3 State

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

DATE : 10/09/2018

ORAL JUDGMENT [PER R.M.BORDE,J.] :-

Rule. Rule made returnable forthwith. Petition is heard finally with the consent of learned counsel for the respective parties.

2] The petitioner has challenged the order passed by the Sub Divisional Officer, Gangakhed on 2/9/2018 rejecting the application of the petitioner for issuance of Tribe Certificate.

3] There is sufficient prima facie material to support the claim of the petitioner for issuance of the tribe certificate. We are of the considered opinion that the Sub Divisional Officer has committed mistake in refusing the request of the petitioner for issuance of tribe certificate. This Court has recorded in several judgments that the tribe certificate shall be issued on the basis of prima facie material and indepth inquiry at the stage of issuance of caste/tribe certificate is not contemplated. Such an

elaborate inquiry is required to be conducted by Scrutiny Committee while considering proposal for validation of Tribe Certificate.

4] In view of above, we deem it appropriate to allow the Petition and quash the order passed by the Sub Divisional Officer Gangakhed on 2/9/2018. The respondent no.3 Sub Divisional Officer, Gangakhed who is present in the Court is directed to issue Tribe Certificate in prescribed form in favour of the petitioner forthwith. Rule is made absolute in the above terms.

5] On receipt of the certificate, the same shall be submitted to the Jawahar Navodaya Vidyalaya and said institution shall consider claim of the petitioner for admission from concerned reserved category.

(MANGESH S. PATIL,J.) (R.M.BORDE,J.)

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