

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

WRIT PETITION NO.12303 OF 2018

Krushna Balaji Totewad
Under Guardianship of Father
Balaji Bhujangrao Totewad
Age 54 years, Occ- Service
R/o Mangalsangavi, Tq.Kandhar
Dist.Nanded. .. PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary
Tribal Development Department
Mantralaya Mumbai – 32
- 2] The Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division,Aurangabad
through its Member Secretary.
- 3] Sub Divisional Officer,
Kandhar, Tq. Kandhar
Dist.Nanded. .. RESPONDENTS

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Adv.Mr.M.A.Golegaonkar and A.S.Golegaonkar for petitioner
AGP Mr.P.S.Patil for respondents State.

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**CORAM : R.M.BORDE &
MANGESH S. PATIL,JJ.
DATE : 02/11/2018**

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

Rule. Rule is made returnable forthwith. With consent of parties, Petition is heard finally at the stage of admission.

2] The petitioner is objecting to the order passed by Sub Divisional Officer,Kandhar,Dist.Nanded, refusing to issue tribe certificate as requested by the petitioner. The petitioner claims to be belonging to Mannervarlu Scheduled Tribe and has tendered an application for issuance of certificate in that regard.

3] The petitioner places reliance on the tribe certificate issued to his father by the competent authority as well as the validation certificate issued in favour of his real uncle by the competent scrutiny committee. The school record of the petitioner also indicates that he belongs to Mannervarlu Scheduled Tribe. During the conduct of local inquiry, it has been reported that the petitioner *prima facie* appears to be belonging to the aforesaid Scheduled Tribe category. The tribe certificate shall be issued on the basis of *prima facie* material and no indepth inquiry at the said stage is contemplated. A detail inquiry shall have to be made by the scrutiny committee at the stage of validation of the tribe certificate.

4] The decision rendered by the Sub Divisional Officer of refusing to issue tribe certificate *prima facie* appears to be erroneous and therefore, quashed and set aside. The concerned Sub Divisional Officer is directed to issue tribe certificate as requested by the petitioner **within two weeks** from today. It would be open for the petitioner to subject the said certificate alongwith proposal for validation to the competent scrutiny committee.

5] Rule is accordingly made absolute in view of the order as aforesaid. The appeal presented by the petitioner to the scrutiny committee shall stand disposed of.

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

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