

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15050 OF 2017

Swapnil Vishwanath Totawar,
Age: 30 Years, Occu.: Education,
R/o.: Natkar Galli, Tq.: Degloor,
Dist.: Nanded

.. **Petitioner**

Versus

1. The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32

2. The Scheduled Tribe Certificate Scrutiny Committee,
Aurangabad Division, Aurangabad,
Through its Deputy Director. (R),
Aurangabad

3. The Sub-Divisional Officer,
Degloor, Tq.: Degloor,
Dist.: Nanded

.. **Respondents**

Shri Pratap V. Jadhavar, Advocate for the Petitioner.
Shri A. S. Shinde, A.G.P. for Respondents.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVAL, JJ.

DATE : **9th January, 2018**

ORAL JUDGMENT *(Per S. V. Gangapurwala, J.)* :

1. Rule.

2. Rule returnable forthwith. With the consent of learned counsel for respective parties matter is taken up for final hearing.

3. Application made by the petitioner for issuance of tribe certificate of 'Mannervarlu' Schedule Tribe is rejected. The appeal filed against the said order is dismissed. Aggrieved thereby the present petition.

4. Mr. Jadhavar, learned advocate submits that the school record of the petitioner depicts the caste of petitioner as 'Mannervarlu' Schedule Tribe. The father of the petitioner is illiterate. The petitioner does not have any real brother and sister. The learned advocate submits that even the father of the petitioner did not have any real brother. Two of the paternal cousin of the petitioner have been granted validity certificate namely Praveen Ramlu Totawar and Sapna Sureshrao Totawar. According to the learned advocate, the record relied by the scrutiny committee is in respect of the persons who are not related to the petitioner, but residents of the district.

5. The learned A.G.P. states that there are no old documents on record to substantiate the claim case of the petitioner. The genuineness is not proved.

6. It is trite that at the time of issuance of tribe certificate the

authority has to be prima facie satisfied. Even otherwise the tribe certificate has to undergo acid test during scrutiny by the committee. The school record of the petitioner depicts the caste being recorded as 'Mannervarlu'. The distant paternal cousin of the petitioner is said to have been given the validity certificate of 'Mannervarlu' Schedule Tribe. No contra evidence appears on record.

7. Considering the above, the impugned orders are quashed and set aside. The respondent No. 3 shall issue tribe certificate to the petitioner of 'Mannervarlu' Schedule Tribe which certificate naturally will have to be referred to the committee for verification.

8. Rule is accordingly made absolute. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

marathe/Jan.18