

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

WRIT PETITION NO.1232 OF 2019

**RAJESH MAROTI BHIMALWAD
VERSUS
SUB DIVISIONAL OFFICER BHOKAR AND ANOTHER**

Mr.Sagar S. Pathale, Advocate for the petitioner
Mr.S.S.Dande, AGP for the respondents/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 29.01.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. This is one of numerous petitions filed in this Court challenging the order of the Scrutiny Committee whereby the appeal presented by the petitioner against the order of the Sub-Divisional Officer, Bhokar is dismissed.

3. Our attention was invited to the documents placed on record to show that in all these documents namely school leaving certificate, Talathi report, resident certificate social status of the petitioner is shown as 'Koli Mahadev' and there is material documents in the form of tribe certificate issued in

favour of the real sister of the petitioner Ku. Savita Maroti Bhimalwad dated 14.08.2013. The Sub-Divisional Officer in his order dated 13.07.2016 only on the ground that the petitioner failed to submit any documents prior to 06.09.1950 and further failed to submit any material to show that the original place of residence of petitioner is within the jurisdiction of Sub-Divisional Officer, Bhokar rejected the application. The Scrutiny Committee on 03.01.2019 on mechanical appreciation affirmed the order of the Sub-Divisional Officer. We are more than surprise to see mechanical approach of the Scrutiny Committee. The order of the Scrutiny Committee is of 03.01.2019. The division bench of this Court in the judgment and order dated 01.11.2017 in bunch of petitions to which the Scrutiny Committee was also party observed thus:

"We have gone through the orders passed by the Committee. Time and again we have directed the committee to decide the application for caste/tribe certificate based on the documents submitted by the parties. There cannot be a thumb rule that only if documents prior to independence are

produced, then only the certificate is to be granted. At the time of issuance of tribe/caste certificate, the authority has to be prima facie satisfied. Even otherwise, the said certificate has to face the test of scrutiny at the time of verification by the Committee"

. It seems that these observations of the division bench of this Court have fallen on deaf ears. It seems further that the Committee is bent upon to continue with this approach in spite of various orders of this Court including the judgment and order referred by us dated 01.11.2017.

4. Considering these facts, only inescapable conclusion can be drawn, is of allowing the petition in terms of prayer clause-B.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]