

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

WRIT PETITION NO.1657 OF 2019

**ANITA BABANRAO RAO AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. P.V.Jadhavar, Advocate for the petitioners
Mr. S.S. Dande, AGP for the respondent/State.

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

DATED : 14.02.2019

P.C. :-

1. Heard learned counsel for the petitioners.
2. The petitioners are the students prosecuting their studies and their respective courses. As the petitioners were in need of the caste certificates, so as to stake their claim in the academic course as the candidates belonging to reserve category i.e. Scheduled Tribe, the applications were submitted before the Sub Divisional Officer. By order dated 17.12.2014 and 18.12.2014 respectively issued by the Sub Divisional Officer, Aurangabad the applications of petitioners are rejected. The petitioners were permitted to approach the Scrutiny Committee by presenting appeals. The petitioners presented appeal before the Scrutiny Committee and the Scrutiny Committee on 15.10.2015 dismissed the appeals.
3. Learned counsel submitted that though there was a voluminous record submitted by the petitioner in support of the claim of the petitioners and in all these documents the social status of the petitioners was referred to as 'Mahadev Koli' The petitioners have also placed on record the caste certificates issued in favour of the father of

the petitioners and the uncle of the petitioners. Learned counsel then submitted that the Sub Divisional Officer as well the Committee only on a mechanical assessment and appreciation by recording the negative findings, namely, the petitioner failed to produce any material prior to 1950, rejected the claim and dismissed the appeal. Learned counsel placed reliance on the judgment of this Court and submitted that a consistent view is taken by this Court and this Court observed that the Scrutiny Committee shall not take the hyper technical approach while dismissing the appeal as the certificate issued would be certainly further subjected to validity.

4. On perusal of the order passed by the Sub Divisional Officer and the Scrutiny Committee on the backdrop of the observations of this Court, we are of the opinion that the counsel for petitioners made out the case. Accordingly, the petition is allowed in terms prayer clauses (B) and (C). The Sub Divisional Officer, Ambad is further directed to issue tribe certificate within six weeks from the date of order of this Court.

5. With above directions, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]