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

WRIT PETITION NO.2692 OF 2019

Balaji s/o Uttam Totewad
Age: 14 years (Minor)
Through his natural guardian
i.e. father - Uttam Laxmanrao Totewad,
Age: 37 years, Occ: Agri.,
R/o. Vaijapur, Post Niwgha,
Tq. Mukhed, Dist. Nanded ..PETITIONER

VERSUS

1. Sub Divisional Officer,
Bhokar, Dist. Nanded
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
through its Member Secretary
3. Shri Chatrapati Shahu Maharaj
Sainiki Vidyalaya, Udgir,
Dist. Latur
through its Head Master ..RESPONDENTS

Mr Sagar S. Phatale, Advocate for petitioner;
Mr A.R. Kale, A.G.P. for respondent/State

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

DATE : 1st MARCH, 2019

ORAL ORDER :

Heard learned Counsel appearing for the

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petitioner.

2. The petitioner approached the Sub Divisional Officer, Bhokar, District Nanded for issuance of the caste certificate. The documents were presented before the Sub Divisional Officer to seek support for the claim. Along with other documents, the petitioner also placed on record the copy of validity certificate issued in favour of uncle of the petitioner. The Sub Divisional Officer, raising ground that the petitioner failed to submit any document before 1950 and the petitioner also failed to show that the petitioner was resident of the said area prior to 1950, which comes under the jurisdiction of Sub Divisional Officer, Bhokar, rejected the application.

3. The appeal was preferred before the Scrutiny Committee. The Committee re-iterating the grounds of the Sub Divisional Officer, rejected the appeal. Learned Counsel appearing for the petitioner submits that this issue is dealt with

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the Division Bench time and again and it is consistent view of this Court that the authority and more particularly, the Scrutiny Committee ought not to have rejected the appeal raising technical riders but it is only *prima facie* satisfaction of the Committee. This Court also observed that the caste certificate being issued to the petitioner would be further subjected to the Scrutiny Committee for validation and in the validation process, a thorough inquiry and assessment of the claim is accepted. As such, the Scrutiny Committee may undertake that exercise. The petitioner also placed on record the order passed by this Court in bunch of petitions on 23rd January, 2019 i.e. Writ Petition No. 604 OF 2019 (Pandurang Mahadeo Gonewad vs. Sub Divisional Officer, Bhokar & anr.) and other petitions.

4. Resultantly, the petition is allowed.

5. The orders passed by the Sub Divisional Officer, Bhokar, District Nanded as well as the

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Scrutiny Committee are quashed and set aside. Respondent No.1 Sub Divisional Officer, Bhokar, District Nanded is directed to issue caste certificate to the petitioner that the petitioner belongs to 'Mannervarlu, scheduled tribe', as early as possible.

6. With these directions, the petition is disposed of.

(S.M.GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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