

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 4148 OF 2019

Kiran Hari Gandapwad

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr.P.V.Jadhavar, advocate for the petitioner.
Mr.K.B.Jadhavar, AGP for Respondents.

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.**
DATE : 26th June, 2019

PER COURT:

The appeal filed by the petitioner challenging the order of Sub Divisional Officer is dismissed by Respondent-Scrutiny Committee.

2 It is submitted that no adverse entry is on record. Petitioner's school record shows his caste/tribe as "Mannervarlu". The cousin uncle of the petitioner, namely Venkat is issued with validity certificate in respect of "Mannervarlu", a Scheduled Tribe.

3 Learned Counsel for the petitioner submits that at this stage, only *prima facie* satisfaction is necessary.

4 Learned AGP submits that no pre-independence documents exist. The Committee has rightly considered the said

aspect.

5 At this stage, the authorities have to be *prima facie* satisfied. A long drawn inquiry is not contemplated. Even otherwise, tribe certificate issued to the petitioner is required to be validated before the Scrutiny Committee. At that time, detailed investigation is warranted. No contra evidence is on record. Petitioner's school record demonstrates his caste/tribe as "Mannervarlu".

6 Considering the aforesaid aspects, the impugned order is quashed and set aside. The concerned Sub Divisional Officer shall issue tribe certificate in respect of tribe "Mannervarlu" in favour of the petitioner which shall have to undergo validation before the Committee. The tribe certificate shall be issued to the petitioner within two weeks.

7 Writ Petition is disposed of. No costs.

MANGESH S. PATIL
JUDGE

S.V.GANGAPURWALA
JUDGE

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