

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

WRIT PETITION NO. 5278 OF 2019

Dhondu Sahadu Thakur .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sushant C. Yeramwar, Advocate for the Petitioner.

Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 27TH JUNE, 2019.

FINAL ORDER :

. Mr. Yeramwar, the learned counsel for the petitioner submits that, the petitioner was issued with tribe certificate by the Executive Magistrate, Malegaon. The proposal was sent for verification to the Committee at Nashik, however, the Committee at Nashik returned the same on the ground that the petitioner ought to have obtained the certificate from Sub Divisional Officer, Chalisgaon. The petitioner applied for certificate to the Sub Divisional Officer, Chalisgaon. Same is rejected. The appeal is also dismissed on the ground that the petitioner has not filed any validity of the relative.

2. The learned counsel for the petitioner submits that, son and daughters of the petitioner have been issued with tribe certificate of Thakur by the Sub Divisional Officer Pachora.

According to the learned counsel, the school record of the petitioner and his father of the year 1980 records tribe as Thakur.

3. The learned Additional Government Pleader submits that, the respondents have properly considered the matter and rightly rejected the application.

4. It is trite that, authority has to be *prima facie* satisfied. The authority ought to have considered the entries in the school record.

5. It is stated that, son and the daughters of the petitioner have been issued with tribe certificate of Thakur (Scheduled tribe) by the Sub Divisional Officer, Pachora. In view of the fact that, the school record of the petitioner and his father records tribe as Thakur and also considering the fact that, tribe certificates are issued to the son and daughters of the petitioner, we set aside the impugned order and direct the Sub Divisional Officer, Pachora to issue tribe certificate of Thakur (S.T.) to the petitioner as expeditiously as possible and preferably within a period of two (02) months from today.

6. In the light of the above, the writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 19