

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

WRIT PETITION NO. 12803 OF 2018

Sainath Subhash Dasarwad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Sagar S. Phatale, Advocate for the Petitioner.

Shri S. M. Ganachari, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 30TH JANUARY, 2019.

FINAL ORDER :

. The application filed by the petitioner seeking tribe certificate is rejected. Appeal was filed. There was delay in filing appeal. The committee did not condone the delay. Aggrieved thereby present petition.

2. We have heard the learned counsel for the petitioner and the learned Assistant Government Pleader for respondents/State.

3. The real sister of the petitioner has been issued with the validity certificate. The father of the petitioner has also been issued with the tribe certificate.

4. At the stage of issuance of tribe certificate the authority has to be *prima facie* satisfied. At the time of verification of the tribe certificate the long drawn enquiry by the committee is contemplated.

5. As it is a case for issuance of tribe certificate only and real sister is issued with the validity certificate and the father is also issued with the tribe certificate, the petitioner has made out case for issuance of tribe certificate as belonging to 'Bhil' tribe, which naturally will be subject to the acid test of verification before the Committee. However, there is delay on the part of the petitioner and the petitioner deserves to be mulct with the costs. The learned counsel for the petitioner submits that, he would deposit an amount of Rs. 3,000/- (Rs. Three thousands only) with the High Court Bar Association.

6. The said statement is accepted. The impugned orders are quashed and set aside. The Sub Divisional Officer, Kinwat shall issue tribe certificate to the petitioner of belonging to 'Bhil' tribe within a period of four (04) weeks from today. The writ petition is disposed of.

[A. M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 19