

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13901 OF 2018

Pravin Nagnath Govindwar
Through natural guardian father
Nagnath Malnna Govindwar ...Petitioner

Versus

The Sub Divisional Officer, Nanded
and Ors. ...Respondents

Mr. S.S. Phatale, Advocate for Petitioner
Mr. P.S. Patil, Additional Government Pleader for
Respondent Nos. 1 and 2

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

DATE : 11th APRIL, 2019

ORAL ORDER:

1. The application filed by the petitioner for issuance of tribe certificate is rejected and the appeal filed against the same is dismissed.

2. Mr. Phatale, the learned Counsel for the petitioner submits that the school record of the petitioner and his father records the caste as 'Mannervarlu'. The cousin uncle by name Ramesh Hanmantrao Govindwar is issued with the validity certificate of 'Mannervarlu' Scheduled Tribe. The father of the petitioner is also issued with tribe certificate of 'Mannervarlu' Scheduled Tribe.

3. The learned Additional Government Pleader submits that there is no clinching evidence in that regard.

4. It is trite that at the stage of issuance of tribe certificate, the authorities have to be prima facie satisfied. As per the record and contentions of the petitioner, the school record of the petitioner and the father of the petitioner records the caste as 'Mannervarlu' Scheduled Tribe.

5. The cousin uncle of the petitioner is issued with the validity certificate. The father of the petitioner is also issued with the tribe certificate. Even otherwise, the tribe certificate will have to undergo the verification by the Committee.

6. In the result, the impugned orders are quashed and set aside. The respondent No. 1 shall issue the tribe certificate to the petitioner of 'Mannervarlu' Scheduled Tribe within a period of four weeks from today.

7. Needless to state the said tribe certificate will have to undergo the acid test of verification before the Committee.

8. The Writ Petition is disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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