

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3487 OF 2019

Suvarna Hanmant Koli

... Petitioner.

V/s.

State of Maharashtra & Ors.

... Respondents.

Mr. C. K. Bhangoji, Advocate for the Petitioner.

Mr. S.B. Kalel, AGP for Respondent Nos. 1 & 2 - State.

CORAM : R.M. BORDE & N.J. JAMADAR, JJ.

DATE : JULY 31, 2019.

PC :

1 An affidavit-in-reply has been presented by Respondent No.4-Sub Divisional Officer, Miraj, stating therein that he would issue tribe certificate in favour of the Petitioner on the strength of the certificate which had been issued to Petitioner by the Executive Magistrate in the year 1990; on production of attested or certified copy or original certificate before Respondent No.4, within a period of one week from today.

2 On production of the tribe certificate or authenticated copy of the tribe certificate issued to the

Petitioner in the year 1990, the Respondent No.4 shall issue a tribe certificate without embarking upon further inquiry in the matter in view of the judgment delivered by this Court at Aurangabad Bench in writ petition no.4536 of 2014 (Prakash Bhople vs. Deputy Collector (General) Latur.

3 The earlier order passed by the Sub-Divisional Officer, refusing to issue the tribe certificate to the Petitioner shall not be an impediment in issuing corrected certificate, in view of the undertaking given to this court by the Sub Divisional Officer. It is well established principle that an individual belonging to the tribal community will not be, in view of the policy prescribed by the State, entitled to secure benefits in the matter of employment or for the purpose of education, unless the tribe certificate is verified by the Competent Caste Scrutiny Committee. Merely because the direction has been issued to the Sub-Divisional Officer to issue tribe certificate, it may not be construed as an expression of opinion by this court as regards the social status of the Petitioner, as belonging to the tribal community and the Scrutiny Committee, dealing with the matter, shall have to take decision on merits and in accordance with law.

4 In view of the directions, as above, the writ
petition stands disposed of.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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