

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

WRIT PETITION STAMP NO. 13330 OF 2020

Sakshi Kaloji Kapelliwar
through father
Kaloji Linganna Kapelliwar
and another

.. Petitioners

Versus

The State of Maharashtra and another

.. Respondents

Mr. Sunil M. Vibhute, Advocate for the Petitioners.
Mr. K. S. Patil, AGP for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATED : 13th AUGUST, 2020.

PER COURT:-

. The learned counsel for the petitioners submits that the petitioners have applied for the issuance of the tribe certificates to the Sub Divisional Officer. The Sub Divisional Officer without hearing the petitioners rejected the applications only on the ground that documents prior to 1950 were not filed, nor any validity certificate was produced.

2. We have heard the learned Assistant Government Pleader for respondent Nos. 1 and 2.

3. The Sub Divisional Officer has to be prima facie satisfied before

issuing the tribe certificates. It is not mandatory requirement that only if applicant produces the documents prior to 1950 demonstrating his caste, then only the tribe certificate is to be granted. The authority has to be satisfied on the basis of available documents. It is on the basis of available documents on record, the Sub Divisional Officer has to take decision on its own merits. The applications cannot be rejected only on the ground that none from the family has received the validity certificate or that documents prior to 1950 are not produced.

4. In the light of that, the impugned order is quashed and set aside. The Sub Divisional Officer shall decide the applications of the petitioners for issuance of tribe certificates after hearing the petitioners on its own merits.

5. Writ petition accordingly is disposed of. No costs.

(R. G. AVACHAT)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.