

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

WRIT PETITION NO. 8382 OF 2019

Gangadhar Husen Surbulwad

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. M. A. Golegaonkar, Advocate for Petitioner.

Mrs. A. V. Gondhalekar, Addl. G. P. for Respondents-State.

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

DATED : 08th JANUARY, 2020.

PER COURT:-

. The application filed by the petitioner for issuance of tribe certificate as belonging to “Mannervarlu” (Scheduled Tribe) is rejected. The appeal filed against the same is dismissed.

2. Mr. Golegaonkar, learned counsel for the petitioner submits that the school record of the petitioner, his real sister records tribe as “Mannervarlu”. The second degree cousin of the petitioner is issued with the tribe certificate of “Mannervarlu” (Scheduled Tribe). There is no contra evidence on record. The committee has rejected the appeal on the ground that the documents prior to 1950 are not filed. The learned counsel submits that the petitioner is the first generation who is taking education. The father of the petitioner was illiterate.

2. The learned Addl. G. P. submits that there is no validity certificate of near relative of the petitioner. The documents submitted by the petitioner are of recent origin. Old documents are not submitted. All these aspects are considered by the committee.

3. It is trite that at the time of issuance of caste certificate, prima facie satisfaction is sufficient. The school record of the petitioner, his real sister records tribe as "Mannervarlu". The second degree cousin is issued with the tribe certificate of "Mannervarlu" (Scheduled Tribe) as is contended by the petitioner. The tribe certificate will have to undergo acid test at the time of verification. No contra evidence is produced on record.

4. In the light of the above, the impugned orders are quashed and set aside. The respondent No. 3 shall issue tribe certificate to the petitioner as belonging to "Mannervarlu" (Scheduled Tribe), which certainly will have to be sent for verification to the committee.

5. Writ petition accordingly is allowed in above terms. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.