

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

WRIT PETITION NO. 14456 OF 2019

Gangotri Gangadhar Pujarwad and another

.. Petitioners

Versus

Sub Divisional Officer Dharmabad and another

.. Respondents

Mr. Sagar S. Phatale, Advocate for the Petitioners.

Mrs. R. P. Gour, AGP for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 02nd MARCH, 2020.

PER COURT:-

1. The learned counsel for the petitioners submits that the application of the petitioners for issuance of tribe certificate is rejected. Appeal filed is also dismissed.

2. According to the learned counsel, appeal is dismissed basically on the ground that evidence prior to 1950 is not produced. The petitioners had produced the validity certificate issued to the second cousin of the petitioners. The school record of the petitioners and their father records caste as "Mannervarlu". There is no contra evidence brought on record.

3. Learned Assistant Government Pleader submits that the relationship of the petitioners with the validity holder relied upon by the petitioners is not established. There are no pre-constitutional documents.

4. We have considered the submissions.

5. At this stage of issuance of tribe certificate the authority has to be prima facie satisfied. The long drawn enquiry is not contemplated. The school record of the petitioners and their father records tribe as “Mannervarlu”. At least on the record there is no contra evidence, relied either by the committee or the Sub Divisional Officer.

6. The tribe certificate will have to undergo acid test during the validation proceeding.

7. In the light of above, the impugned order are quashed and set aside. The concerned Sub Divisional Officer shall issue tribe certificate to the petitioners of belonging to “Mannervarlu” (Scheduled Tribe) which certificate will have to undergo scrutiny committee in validation proceeding.

8. Writ petition accordingly is allowed. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.