

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

949 WRIT PETITION NO.4885 OF 2021

1. Rushikesh Deepak Sone,
Age: 18 years, Occ.: Education
2. Kratika Deepak Sone,
Age: 20 years, Occ.: Education
R/o., Nagapur, Tq.:Biloli,
Dist.: Nanded .. Petitioners

Versus

1. Sub Divisional Officer,
Degloor, Dist.: Nanded
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
through its Member Secretary .. Respondents

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Advocate for Petitioners: Mr. Phatale Sagar S.

AGP for Respondents: Mrs. V. N. Patil-Jadhav

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

DATE: 18th MARCH, 2021

ORAL JUDGMENT (*Per S V Gangapurwala, J.*):

1. Rule. Rule returnable forthwith. With the consent of learned Counsel for respective parties, matter is taken up for final hearing.

2. The applications filed by the petitioners for issuance of tribe certificates of Koli Mahadev, Scheduled Tribe are rejected. The appeals filed against the said orders are also dismissed by the scrutiny committee. Aggrieved thereby, the present petition.

3. Mr. Phatale, learned Counsel for the petitioners submits that father of the petitioners is issued with validity certificate of Koli Mahadev, Scheduled Tribe on 29.12.2007. The school record of the petitioners, their father records tribe as Koli Mahadev. The school record of the sister of the petitioners and the brother of the petitioner also records tribe as Koli Mahadev, still, on the ground that petitioners have not proved the affinity has dismissed the appeals.

4. The learned A.G.P. submits that as the petitioners could not prove the affinity, the appeals are rightly dismissed. The scrutiny committee and the Sub Divisional Officer have

considered all the aspects of the matter correctly.

5. At the time of issuance of tribe certificate a long drawn investigation and enquiry is not contemplated. The authorities have to be *prima facie* satisfied. In the present matter, *prima facie*, the school record of the petitioners father, petitioners sister, real brother and the petitioners records tribe as Koli Mahadev. The first page of the service book of the petitioners father also records tribe as Koli Mahadev. The father of the petitioners is already issued with the validity certificate of Koli Mahadev, Scheduled Tribe. For issuance of tribe certificate the same was sufficient.

6. In light of the above, the impugned judgments of the scrutiny committee and the Sub Divisional Officer are quashed and set aside. The Sub Divisional Officer, Degloor shall issue tribe certificates to the petitioners of Koli Mahadev, Scheduled Tribe immediately.

7. Rule is accordingly made absolute.

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

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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