

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 8473 OF 2021

1. Rajendra s/o Ukha Suryawanshi,
Age- 52 years, Occ. Service,
R/o Vidyanagar, Near Nutan High School,
Dondaicha, Tq. Sindkheda, Dist. Dhule.
2. Digvijay s/o Rajendra Suryawanshi,
Age- 19 years, Occ. Student,
R/o As above.

... PETITIONERS

VERSUS

1. The State of Maharashtra,
Tribal Development Department,
Mantralaya, Mumbai- 32.
Through its Secretary.
2. The Sub Divisional Officer,
Nandurbar, Tq. & Dist. Nandurbar.

... RESPONDENTS

...
Mr. Sushant C. Yeramwar, Advocate for Petitioners.

Mr. S. G. Karlekar, AGP for Respondent/State.

...

CORAM : **S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 05th August, 2021.

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

. Rule. Rule made returnable forthwith.

2 The learned counsel submits that the petitioners were issued with Tribe Certificates of “Thakur Scheduled Tribe” by the Sub Divisional Officer, Dhule and the Sub Divisional Officer, Shirpur, respectively. The proposal on the basis of the said caste certificates, was referred to the Scrutiny Committee. The Scrutiny Committee disposed of the proceedings on the ground that the caste certificates were not issue by the authority within its territorial jurisdiction. The petitioners, thereafter, applied to the Sub Divisional Officer, Nandurbar for getting the tribe certificates. The same is rejected on the ground of area restriction and that the petitioners have not proved the affinity test.

3 We have heard Mr. Yeramwar, learned counsel for petitioners and the learned AGP for Respondent/State.

4 We would not have entertained the present writ petition in regular course as the petitioners have a remedy of appeal, however, it is submitted that Petitioner No.2 is appearing for NEET examination and exploring possibility of admission to the professional course.

5 The petitioners were already issued with caste certificates of “Thakur Scheduled Tribe” by the Sub Divisional Officer, Shirpur and

the Sub Divisional Officer, Dhule. The Committee came to the conclusion that territorial jurisdiction vests with Nandurbar Sub Divisional Officer for issuing the caste certificates. As such the petitioners applied to the Sub Divisional Officer, Nandurbar.

6 The learned counsel has referred to the validity issued to the paternal cousins and also to school record of the petitioners' father of the year 1974, petitioners' grandfather of the years 1952 and 1953 and the great-grandfather of the years 1934 and 1946. All these entries record the caste as "Thakur".

7 The Sub Divisional Officer has rejected the application on the ground of area restriction and the affinity test.

8 *Prima-facie*, the documentary evidence supports the case of the petitioners. The same was sufficient for issuance of caste certificate.

9 It is trite that at the time of issuance of the caste certificate formal inquiry is not contemplated. *Prima-facie* satisfaction of the authority is sufficient. Even otherwise, the said caste certificate has to undergo acid test before the Scrutiny Committee.

10 In light of the above, we pass the following order:

ORDER

- I. The impugned order is quashed and set aside.
- II. The Sub Divisional Officer, Nandurbar shall issue caste certificates to the petitioners of “Thakur Scheduled Tribe” within three days.
- III. Rule is accordingly made absolute. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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