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

915 WRIT PETITION NO.1132 OF 2023

KETAN RAVINDRA AAKULE AND ANOTHER
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

....

Mr R. B. Dhakane a/w Mr S. G. Jayewar, Advocates for
petitioners;
Mr S. G. Karlekar, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 2nd February, 2023

PER COURT:

1. The petitioners have put forth prayer clauses (B) and (C),
which read as under :-

“B. For a writ of mandamus, order or direction in the nature of mandamus, or any kind of writ, the decision for the issuance of Tribe certificate of the Mannervarlu-27, rendered by the Competent Authority i.e. Respondent no 2 and the Appellate Authority i.e. respondent no 3, in the Appeals bearing no प्रकरण क्र. NAN/APP/125/2019 and NAN/APP/126/2019, for the caste/ Tribe certificate of the Mannervarlu-27, may kindly be quash and set aside, in the interest of justice.

C. For a writ of mandamus, order or direction in the nature of mandamus, or any kind of writ, the Hon’ble court may kindly be direct the Respondent no. 2, Competent Authority to issue caste certificate to the petitioners based upon the documents and caste certificate of the blood relative of the paternity of the petitioner within the stipulated period.”

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2. We have considered the submissions of the learned Advocate for the petitioners and the learned A.G.P. It is undisputed that the father of these two petitioners, namely, Ravindra Aakule has been granted the 'Mannervarlu' - Scheduled Tribe certificate and, the petitioners, who are the biological sons of Ravindra, have been denied the said certificates on the ground that the documents prior to 1950, have not been cited.

3. It is apparent that the petitioners are merely requesting for issuance of their certificates. No doubt, necessary inquiries have to be conducted as it should not so happen that a person is wrongly issued a Scheduled Tribe certificate. Nevertheless, after the father has been granted the certificate, there should be no impediment in granting such certificate to his biological children, since a son derives his social status from his father.

4. In view of the above, the parameters applicable while considering the claim for validity under the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short 'the Act of 2000'), should

(3)

not be normally made applicable to cases, seeking issuance of certificate and more so, when a paternal blood relative has already been granted such a certificate.

5. In view of the above, this petition is partly allowed. We direct the respondent/Sub Divisional Officer, to issue the 'Mannervarlu' - Scheduled Tribe certificate to these petitioners.

6. Considering the procedure in vogue, the petitioner Nos.1, and petitioner No.2, through his father (being a minor), would tender online applications, on or before 10/02/2023. Thereafter, by resorting to a verification of the certificate issued to their father, the Sub Divisional Officer would issue the 'Mannervarlu' - Schedule Tribe certificate to these petitioners, on or before 28/02/2023.

7. Needless to state, the grant of certificates under this order, would not create any equities in favour of the petitioners or their father, in relation to any claim for seeking a validity certificate under the Act of 2000.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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