

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

66 WRIT PETITION NO.2862 OF 2023

DURGESH ARUN GANDRATWAR THROUGH NATURAL
GUARDIAN FATHER ARUN RAMAYYA GANDRATWAR
VERSUS
SUB DIVISIONAL OFFICER KINWAT AND ANOTHER

.....
Advocate for Petitioners : Mr. Sagar S. Phatale
AGP for Respondents: Mr. S.G. Karlekar
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 14th MARCH, 2023.**

PER COURT :-

1. The Petitioner is 16 years student, who has approached this Court through his father. The father has a Mannervarlu S.T. certificate. The Petitioner sought issuance of such a certificate for himself. The Sub Divisional Officer has rejected the application on the ground that the documents prior to 1950 have not been cited. For the same reason, the competent Committee has dismissed the appeal.

2. It is well settled that though the certificate cannot be issued mechanically or as a matter of course, the competent authority should have looked at the record available to draw a prima facie opinion that the Petitioner belongs to a particular tribe or community, at least for the purposes of issuance of a tribe or caste certificate. The rigours of investigation and scrutiny would be applied to the claim of a candidate, while seeking a validity certificate, in view of 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. The tests to be applied for scrutinizing a case for grant of validity, need not be applied to the case wherein the candidate seeks issuance of certificate.

3. In the present case, the father of the Petitioner already has a Mannervarlu S.T. certificate. The school record of the Petitioner indicates his caste as Mannervarlu. We do not find any interpolation/over writing or scribbling in order to enter 'Mannervarlu' in the records. The school record even of his biological sister, indicates Mannervarlu S.T. as an entry in the column of race and caste.

4. In view of the above, this Petition is partly allowed. The impugned orders dated 26.10.2021 and 14.11.2022 are quashed and set aside. Respondent No.1 is directed to issue Mannervarlu Scheduled Tribe certificate to the Petitioner, on or before 31.03.2023.

5. We make it clear that this order would not create any equities in favour of the Petitioner insofar as his claim for validity is concerned. This order would not be cited before the competent committee, if the Petitioner desires to seek validation of his tribe certificate.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)