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

34 WRIT PETITION NO.3748 OF 2023

AMRUT RAJENDRA SURYAVANSHI THROUGH ITS
GUARDIAN FATHER RAJENDRA SHAMRAO
SURYWANSHI
VERSUS
SUB DIVISIONAL OFFICER AURANGABAD

AND

46 WRIT PETITION NO.3760 OF 2023

HARSHAD DEVENDRA SURYWANSHI THROUGH
GUARDIAN FATHER DEVENDRA SHAMRAO
SURYAWANSHI AND ANOTHER
VERSUS
SUB DIVISIONAL OFFICER AURANGABAD

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Mr Sagar S. Phatale, Advocate for Petitioners;
Mr S. K. Tambe, A.G.P. for Respondent

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

DATE : 3rd April, 2023

PER COURT:

1. The Petitioner in Writ Petition No.3748/2023 is a 17 years old student, who is aggrieved by the order of rejection, dated 10/03/2023, of his application for issuance of 'Thakur' Scheduled Tribe Certificate in corrected form 'C'.

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2. The learned Advocate for the Petitioner points out that, the Petitioner desires format 'C' Tribe Certificate, which is necessary for the validation proceedings. His father has a validity certificate issued by the Competent Committee. His biological brother Manthan also has a validity certificate. His biological uncles i.e. biological brothers of his father, namely, Devendra and Narendra, have been granted a validity certificate. Pallavi, who is the daughter of his biological uncle Narendra, is also granted a validity certificate.

3. The Petitioners in Writ Petition No.3760/2023, namely, Harshad and Vedika, are the son and daughter of Devendra. Their applications are also rejected by the impugned order dated 10/03/2023. The 3 siblings, namely, Devendra, Rajendra and Narendra, have been granted the validity certificates. The reason why the Respondent/ Sub Divisional Officer is not issuing 'C' format certificate is, that he has a belief that the Petitioners' origin is in Buldhana District. The fact, however, remains that, fathers of these Petitioners, namely, Rajendra and Devendra, have received their certificates at

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Aurangabad and both of them received validity certificate from the Competent Committee.

4. We are shown a Government Resolution dated 22/06/2016, which indicates that the 'C' format certificate should be issued by the same Sub Divisional Officer, who has issued the original certificate. Another Circular dated 12/03/2023, addressed to all the Sub Divisional Officers of Maharashtra, indicates that the 'C' format certificate should be promptly issued to the candidate, who has applied for the same.

5. It is well settled that the Competent Committee can scrutinize the Tribe/Caste certificates threadbare, while dealing with the validation claims. The said procedure need not be followed when a mere request of conversion of the regular certificate into a format 'C' certificate, is being considered.

6. In view of the above, both these Petitions are partly allowed. The impugned orders in both the petitions are quashed and set aside, with the following directions :-

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- (a) All these Petitioners shall tender online applications and surrender their original certificates to the Sub Divisional Officer.
- (b) The Sub Divisional Officer would only verify, as to whether these certificates are bogus or forged documents, and if convinced of their genuineness, he shall issue 'C' Format certificates to these Petitioners, within 15 days from the date of receipt of the online applications.
- (c) With the issuance of such 'C' format certificates, no equities would be created in favour of these Petitioners and this order would not be cited or relied upon while considering their claims for validity. If such claims for validation are tendered, the same shall be considered on their own merits, by applying the law, as is laid down in **Kumari Madhuri Patil and anr. Vs. Addl. Commissioner, Tribal Development and others, (1994) 6 Supreme Court Cases 241**, the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000,

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and the view taken by the Hon'ble Supreme Court in the latest judgment dated 24/03/2023, in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others** in Civil Appeal No.2502/2022 and other connected matters.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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