

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

47 WRIT PETITION NO.4279 OF 2023

PUJASHREE PRAKASH TINGANWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. G. K. Chinchole, h/f Mr. O. B. Boinwad.
AGP for Respondent/State : Mr. S. G. Karlekar.
...

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

DATE : 17th April, 2023.

Per Court:

1. The Petitioners are siblings. Both are aggrieved that the SDO and the competent committee, have refused issuance of “Mannervarlu” Scheduled Tribe certificates.
2. Both these Petitioners rely on the school entries, indicating their social status as “Mannervarlu”. The father’s school record indicates the same. Biological brother of their father also carries the same social status. A cousin brother also carries the same entries.
3. It is well settled that there should be such material on record, which would indicate that a tribe or caste certificate could be issued. Issuance of a caste certificate does not automatically validate

the same. Such caste certificates are always tested before the competent authority when the claim for validity is put forth. The record must reveal, *prima-facie*, that the Petitioner belongs to a particular category.

4. In the case before us, there are several school entries of the Petitioners' father, biological uncle, cousin brother from the paternal side etc., who have such "Mannervarlu" Scheduled Tribe certificates.

5. In view of the above, **this Petition is partly allowed** by quashing the impugned orders dated 9th December, 2020 and 1st November, 2022. The competent authority shall issue "Mannervarlu" Schedule Tribe certificates to these Petitioners.

6. Needless to state, no equities would be created in favour of these Petitioners. If a claim for validation is put forth, the same would be considered by the competent committee on its own merits and this order granting certificates, would not be cited for convincing the committee to grant a validity certificate.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]