

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

WRIT PETITION NO. 7605 OF 2022

- 1) Shweta Sambhaji Marakwad
- 2) Priti Sambhaji Marakwad
both r/o. Hatral Tq. Mukhed,
Dist. Nanded. ... **Petitioners.**

VERSUS

- 1) The State of Maharashtra
- 2) The Scheduled Tribe Certificate Scrutiny
Committee Kinwat (Head Office
Aurangabad)
- 3) The Sub-Divisional officer,
Degloor, Tq. Degloor, Dist.
Nanded. ... **Respondents.**

...

Advocate for the Petitioners : Mr. Jadhavar Pratap V.
Advocate for the Respondents/State : Mr. A.S. Shinde

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 18.07.2023

PER COURT :

The petitioners who are the real sisters are aggrieved by the order passed by the competent authority as well as the appellate authority-scrutiny committee whereby their request for issuance of tribe certificate as belonging to 'Mannervarlu' scheduled tribe has been rejected.

2. We have heard both the sides.

3. Admittedly, even as can be seen from the order passed by the competent authority a caste certificate issued to the petitioners' father was produced before the authority as well as the committee, however, that has been overlooked by observing that no weightage could be attached to such

tribe certificate since by virtue of Section 4(1) of the Act 23 of 2001, any certificate issued under the Act is subject to the validation.

4. The fact that the petitioners' father has been issued with a tribe certificate, in our opinion, should be sufficient to *prima facie* reach a conclusion that even the petitioners belong to the same tribe and are entitled to get tribe certificates.

5. Needless to state, as has been mentioned by the committee, a further scrutiny would be necessary for validation of such certificates. However, that cannot be the ground to refuse the tribe certificate.

6. The Writ Petition is allowed. Impugned orders are quashed and set aside. The respondent No. 3 -competent authority shall now issue tribe certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe in the prescribed format within two weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-