

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

WRIT PETITION NO.8366 OF 2022

NAITRIK RAVI PORADWAR THROUGH ITS FATHER AS GUARDIAN RAVI
RAJANNA PORADWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

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Advocate for Petitioners : Mr. Deepak Chaudhari h/f. Mr. Sainath
Gangadhar Jayewar
AGP for Respondents: Mrs. M.A. Deshpande.

**CORAM : MANGESH S. PATIL
& S.G. CHAPALGAONKAR, JJ.**

DATE : 14th JUNE, 2023

P.C.:-

The petitioner is aggrieved by the rejection of his application seeking Tribe Certificate under Rule 3 of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003.

2. Even his appeal has been dismissed by the respondent Caste Scrutiny Committee.

3. We have heard the learned counsel for the petitioner, as also learned AGP and perused the papers.

4. The common thread between the two orders under challenge is the fact that the petitioner was unable to produce any pre-constitutional order record and even failed to produce any revenue

record to convince the authorities of his claim being genuine.

5. Obviously, the petitioner has not been able to produce any pre-constitutional order record or even the revenue record in support of his tribe claim. However, the inability to produce such record even if Rule 3 of the aforementioned Rule require those to be produced to substantiate the claim for being declared as belonging to a particular tribe, cannot be a ground to defeat the claim.

6. Even if a person may not hold any land and even is unable to produce any pre-constitutional order, would it mean that he does not belong to a particular tribe. In our considered view, expecting a party to substantiate the claim by producing some evidence may not be objectionable but refusing to recognize his claim solely on that ground without recording any adverse observation for the authorities are not ready to believe his claim to be genuine, is clearly arbitrary and capricious exercise of the jurisdiction vested in the authorities.

7. Precisely, this has been the view taken by this Court in a catena of orders; one of which is W.P. No. 2216 of 2022 dated 19.7.2022 in the matter of ***Mr. Mallikarjun Mareappa Walmiky Vs. Sub-Divisional Officer, Thane and others (principal seat).***

8. Being circumspect and skeptical is not the same thing as being cynical. Authorities have been cynical while considering the claim of the petitioner. Had they been in some doubt, they could have undertaken a further scrutiny; but straightway rejecting the application in a slipshod manner is not expected. That would defeat the very

purpose of granting social status and according benefits to such individuals.

9. We allow the writ petition and quash and set aside both the impugned orders and direct the respondents/authorities to issue a tribe certificate to the petitioner in the prescribed format, with correct spelling of the tribe name, as expeditiously as possible and in any case within two weeks.

10. Writ petition is disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

grt/-