

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

947 WRIT PETITION NO.8991 OF 2023

**KRISHNA SAINATH SOMEWAD UG FATHER SAINATH BALIRAM SOMEWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. Giri Umakant P
AGP for Respondents/State : Mrs. M.A. Deshpande

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

DATE : 26.07.2023

PER COURT :

The petitioner is aggrieved by rejection of his application seeking tribe certificate as 'Mannervarlu' by the respondent No. 3-competent authority and even dismissal of his appeal by the respondent No. 2-scrutiny committee.

2. We have heard both the sides.

3. This Court has been from time to time indicating the parameters which should be borne in mind whenever an application is made seeking a caste or tribe certificate. Only a *prima facie* material is sufficient at the stage of issuance of caste or tribe certificate which by virtue of Section 4(2) of the Maharashtra Act 23 of 2001 is always comes with a rider that it is subject to the validation proceeding to be undertaken under Section 7.

4. As can be noticed from the order of the scrutiny committee already the petitioner's father and two real sisters, have been issued with the tribe certificates. If the competent authority and the committee are aware about this fact of issuance of tribe certificate to the father and two real sisters, we

have no hesitation in concluding that the impugned orders have been passed for extraneous reasons and consideration, else there was no reason to give a discriminatory treatment to the petitioner.

5. The Writ Petition is allowed. We quash and set aside both the orders and direct the respondent No. 3-competent authority to immediately issue a tribe certificate of 'Mannervarlu' scheduled tribe to the petitioner. A copy of this order shall be sent to the Divisional Commissioner whom we expect to take note of the above observations and take remedial steps to counsel the competent authorities and the members of the scrutiny committee.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-