

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

WRIT PETITION NO. 8146 OF 2023

Ram Bharat Telewar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Omgashad B. Boinwad, Advocate for the Petitioner.
Shri A. A. Jagatkar, A.G.P. for the Respondent Nos. 1 to 3.

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

DATE : 11 JULY 2023.

FINAL ORDER :

. Heard both sides.

2. In spite of repeated observations of this Court as to the scope of the Competent Authority at the time of issuance of tribe/ caste certificate, neither the Competent Authorities, nor the Scrutiny Committees are bearing in mind the limited scope. We have been coming across the orders whereby both these authorities insist for strong proof. They insist for revenue record. A person may not be possessing a land and would that mean that he cannot claim to be belonging to a particular tribe/caste. Not every one holds the land, still these authorities keep observing and derive to draw an inference on the basis of absence of revenue record. We are also coming across the cases where the blood relatives have been issued tribe/caste certificates, but these authorities simply over look these circumstances and refuse to issue tribe/caste certificates. Needless to state that any

certificate issued under the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 will be subject to its validation at an appropriate stage. The Scrutiny Committee gets an opportunity to examine all the aspects even by resorting to a vigilance enquiry. However, this is not a stage to undertake that enquiry threadbare.

3. Coming to the facts of the matter, the petitioner's brother and cousin had already been issued with the tribe certificates as mentioned in the order of the competent authority and the order of the Scrutiny Committee. They have simply over looked these tribe certificates and have refused to issue it to the petitioner.

4. Both the orders are clearly perverse, arbitrary and capricious and tantamount to refusal to exercise the powers and jurisdiction vested in them.

5. The writ petition is allowed. The impugned orders are quashed and set aside. The respondent No. 2 competent authority shall now issue the tribe certificate to the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe) within a period of two (02) weeks from today in an appropriate form. The writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

bsb/July 23

[MANGESH S. PATIL, J.]