

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

920 WRIT PETITION NO.11602 OF 2023

RAMKRUSHNA GAJANAN YERADLAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Boinwad Omgashad B.
AGP for Respondents : Mr. A.A. Jagatkar
...

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

DATE : 15 SEPTEMBER 2023

PER COURT (PER : SHAILESH P. BRAHME, J.) :

Heard learned counsel for both the sides.

2. The petitioner is challenging the judgment and order dated 14.11.2022, passed by the respondent no. 3 – Scrutiny Committee, confirming the order dated 02.03.2022 passed by respondent no. 2 – Sub Divisional Officer, rejecting application of the petitioner seeking tribe certificate.

3. Petitioner belongs to scheduled tribe 'Mannervarlu'. He had submitted application to the respondent no. 2 seeking tribe certificate. The application was rejected by order dated 02.03.2022. Being aggrieved, appeal was preferred before respondent no. 3 – Scrutiny Committee. The appeal was dismissed on 14.11.2022.

4. The petitioner is relying upon his old school record and school record of his father to make out a case for issuing tribe

certificate. Both the authorities below rejected the application on the ground that there is no adequate documents produced by the petitioner and there is no revenue record or any record pertaining to period 1950 was produced. We find that this approach to be undertaken at the stage of issuance of tribe certificate. The tribe certificate is not conclusive one. It is held that enquiry is expected at the time of considering his validity. We are fortified in our view by judgment passed by High Court in the matter of *Anand Dhananjay Nalawade Versus State of Maharashtra*, **2014 (4) Mh.L.J. 77.**

5. For the reasons stated above, we are inclined to allow present Writ Petition by passing following order :

ORDER

- i. The judgment and order dated 02.03.2023, passed by the respondent no. 2 – Sub-Divisional Officer and judgment and order dated 14.11.2022, passed by the respondent no. 3 – Scrutiny Committee are quashed and set aside.
- ii. The respondent no. 2 – Sub Divisional Officer, shall issue tribe certificate to the petitioner within one week.
- iii. The Writ Petition is disposed of in above terms.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]