

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

927 WRIT PETITION NO. 1775 OF 2022
WITH CA/15205/2022 IN WP/1775/2022

ANUSHKA BHUMANNA BIRAMWAR THROUGH HER FATHER,
AS A GARDIAN BHUMANNA LIMBANNA BIRAMWAR
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Sainath G. Jayewar
h/f. Mr. R.B. Dhakane
AGP for Respondents : Mr. S.G. Sangale
...

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

DATE : 07 SEPTEMBER 2023

PER COURT :

The petitioner is aggrieved by the fact that the respondent – Competent Authority has refused to issue her a tribe certificate of ‘Mannervarlu’ scheduled tribe. She is also aggrieved by the order passed by the Committee in her Appeal against that order.

2. We have heard both the sides. We have been repeatedly impressing upon the authorities that at the stage when a request is put up for issuance of a tribe or caste certificate, strict scrutiny is not required. Be that as it may, it appears that the Competent Authority and the Scrutiny Committee are entertaining some doubt about the genealogy being relied upon by the petitioner.

3. To cut short, it is suffice to observe that petitioner's real paternal uncle Naresh Limbadri Biramwar, has been directed to be granted certificate of validity by the order passed in Writ Petition No. 14379 of 2021 dated 05 September 2023.

4. Even in that order, we have expressed our doubts regarding the genealogy, holding that the Committee while passing the impugned order in that Writ Petition had not entertained any such doubt that we had directed Naresh to be issued a certificate of validity. Since the petitioner is the real niece, even she is entitled to have a tribe certificate.

5. The Writ Petition is allowed. The impugned orders are quashed and set aside. The respondent/competent authority shall issue tribe certificate to the petitioner of 'Mannervarlu' scheduled tribe in the prescribed format within one week.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]