

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

WRIT PETITION NO.499 OF 2023

**JAYRAM GOPINATH KORBANWAD AND ANOTHER
VERSUS
SUB DIVISIONAL OFFICER AND ANOTHER**

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Advocate for the Petitioners : Shri Phatale Sagar S.
AGP for the Respondents 1 and 2/State : Shri S.G. Karlekar

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 27th January, 2023

Per Court :-

1. Leave to place the impugned order on record.
2. The petitioners have put forth prayer clause B as

under:-

“B) Kindly issue appropriate writ, order or direction thereby quash and set aside the impugned judgment and orders passed by Scrutiny Committee, Kinwat dt. 27.07.2022 thereby rejecting appeal filed by petitioners confirming the order passed by Sub Divisional Officer, Nanded rejecting application for issuance of caste/ tribe certificate as belonging to “Mannervarlu”, Scheduled Tribe by its order dt.27.01.2021 and also seeking directions to the Respondent No.1-SDO, Nanded to forthwith issue Tribe certificate as belonging to “Mannervarlu”, Scheduled Tribe in favour of petitioners.”

3. We have considered the submissions of the learned

advocate for the petitioners. The learned AGP has strenuously opposed the petition contending that there is insufficient material before the Sub Divisional Officer to accept the claim of the petitioners that they belong to the “Mannervarlu”, Scheduled Tribe category.

4. The record placed before us includes the school leaving certificate of petitioner No.1, which mentions his tribe as “Mannervarlu”. The school leaving certificate of petitioner No.2, who is the biological brother of petitioner No.1, also indicates the tribe as “Mannervarlu”. The Sarpanch of the village has issued certificates in favour of both the petitioners stating therein that they belong to “Mannervarlu”, Scheduled Tribe. The family tree produced below the affidavit by petitioner No.2 (Suresh), indicates that the grandfather of the petitioners, namely, Narayan Laxman is the biological brother of Rajaram Laxman. The grandson of Rajaram, namely, Kapil Baburao has been granted the tribe certificate of “Mannervarlu”.

5. Considering the available record before us and since the only issue before us pertains to the issuance of the tribe certificate, which would be thereafter subjected to the scrutiny under 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, for grant of validity, without which the tribe certificate is of no significance to the petitioners, that this **Writ Petition is partly allowed** as under:-

(a) The impugned orders of the Sub Divisional Officer dated 27.01.2021 and of the Committee dated 27.07.2022, are quashed and set aside.

(b) We direct respondent No.1 to issue the “Mannervarlu” Scheduled Tribe certificates to both the petitioners, on or before 28.02.2023.

(c) Needless to state, no equities would be created in favour of the petitioners and if any of the petitioners seeks validity of the “Mannervarlu”, Scheduled Tribe certificate, the competent scrutiny committee would consider such claim on its own merits and without being influenced that this Court has directed the issuance of the tribe certificate.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)