

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO.14234 OF 2023

SAIL LAXMAN MALELWAR THROUGH FATHER NATURAL
GUARDIAN LAXMAN RAMALU MALELWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

AND
924 WRIT PETITION NO.14243 OF 2023

SAIPOOJA LAXMAN MALELWAR THROUGH FATHER NATURAL
GUARDIAN LAXMAN RAMALU MALEWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. G.K. Chinchole h/f. Mr. Vibhute Sunil M.
AGP for the respondent – State : Mr. A.S. Shinde
...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 8 NOVEMBER 2023

PC :

Heard both the sides finally.

2. The petitioners are aggrieved by the orders passed by the respondent – scrutiny committee which has refused to issue Mannervarlu scheduled tribe certificates to them and are also aggrieved by the orders passed by the scrutiny committee dismissing their appeals.

3. This Court has been repeatedly trying to impress upon the competent authorities as well as the scrutiny committees that the law does not expect the claimants at the state of issuance of caste or tribe

certificate to lead concrete evidence. The decisions at that stage are to be taken by forming prima facie opinion on the basis of the material produced. We had also at times adverted attention of the authorities to the Government circular dated 28-11-2001 wherein inter alia, the competent authorities have been asked not to insist proof regarding place of residence prior to 1950.

4. In spite of such state-of-affairs, the orders impugned in this petition again refer to the failure of the petitioners to substantiate their claims on the basis of pre-1950 record and proof regarding place of residence prior to 1950.

5. The petitioners have been relying upon the tribe certificates issued to cousin uncle – Devanna Istari Malelwar and cousing grandfather – Istari Devanna Malelwar. They have also produced the genealogy (**Exhibit – 19**). The impugned orders do not expressly assign any reason as to why the genealogy furnished by the petitioners is not acceptable.

6. In the light of the above, the writ petitions deserve to be allowed.

7. The writ petitions are allowed.

8. The impugned orders are quashed and set aside.
9. The respondent no. 3 – competent authority shall issue tribe certificate of 'Mannervarlu' scheduled tribe to each of the petitioners within one week.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/