



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO.5798 OF 2024

VITTHAL NARSING BHOSLE
VERSUS
SUB DIVISIONAL OFFICER AND ANOTHER

...
Mr. Sagar S. Phatale, Advocate for the Petitioner.
Mr. P. P. Dawalkar, AGP for Respondents-State.
...

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

DATE : 19 JUNE 2024

ORDER :-

Heard both the sides.

2. The petitioner is aggrieved by the decision of the respondent No.1 competent authority refusing to issue tribe certificate of Thakur Scheduled Tribe and also the decision of the respondent No.2 – Scrutiny Committee, whereby his statutory appeal has been dismissed.

3. Learned Advocate for the petitioner submits that there is no validity certificate in the family. The petitioner was relying upon the tribe certificate possessed by his father issued way back on 8 October 1993 (Exhibit-B). There was no sufficient and cogent reason for both the authorities below to discard this. They have resorted to the scrutiny as if the petitioner was seeking certificate of validity. The

purport of the inquiry at this stage was limited. *Prima facie* there was sufficient material, which has been expressly ignored without any basis.

4. Learned AGP justifies both the orders.

5. This Court has time and again laid down the parameters to be borne in mind by the competent authority and also the Scrutiny Committee in considering the requests for issuance of tribe or caste certificates. No full-fledged inquiry at that stage is contemplated. Only *prima facie* material is to be looked into, the reason being that any certificate issued would be subject to further process of validation which provides sufficient precautionary measure that the certificates are not being obtained without any basis.

6. When admittedly the petitioner's father has been possessing a tribe certificate of Thakur Scheduled Tribe issued way back on 8 October 1993 by the competent authority, in our considered view that should have been sufficient basis for respondent No.1 competent authority to issue a similar certificate to the petitioner and the Scrutiny Committee could have undertaken its verification.

7. The Scrutiny Committee is acting like putting cart before the horse, which is not expected of it. Mere apprehension that some unscrupulous persons have been obtaining certificates by pretending

to be belonging to Scheduled Castes and Scheduled Tribes can only put the authorities on guard, but they cannot take shelter of this to deprive the genuine claims, particularly when the law requires further scrutiny by the Scrutiny Committee for validation of any certificate.

8. In the light of above, both the impugned orders are unsustainable.

9. The writ petition is allowed.

10. Both the impugned orders are quashed and set aside.

11. The respondent No.1 competent authority shall issue tribe certificate to the petitioner as prayed for, as expeditiously as possible and in any case, within a period of one week.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

scm