



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

WRIT PETITION NO. 6032 OF 2024

1. Govind S/o Parmeshwar Kamble,
Age : Minor, Occu. : Education,
Represented through natural
guardian i. e. father
Parmeshwar Baburao Kamble,
Age : 35 Years, Occu. : Business.
2. Durga D/o Ramesh Kamble,
Age : Minor, Occu. : Education,
Represented through natural
guardian i. e. father
Ramesh Baburao Kamble,
Age : 34 years, Occu. : Business.

BothR/o Hivra (Bk), Tq. Majalgaon,
Dist. Beed.

.. Petitioners

Versus

1. Sub Divisional Officer,
Majalgaon, Tq. Majalgaon,
Dist. Beed.
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Member Secretary.

.. Respondents

Shri Umesh B. Gitte, Advocate for the Petitioners.

Shri Sarang P. Joshi, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 24 JUNE 2024.

JUDGMENT (*Per Shailesh P. Brahme, J.*) :-

. Rule. Rule is made returnable forthwith. Heard both the sides finally at the admission stage with their consent.

2. Petitioners are cousins and are taking exception to the common judgment and order dated 05.04.2024 passed by the respondent No. 2/Scuritny Committee U/Sec. 5(1) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes And Special Backward Category (Regulation Of Issuance And Verification Of) Caste Certificate Act, 2000 (Maharashtra Act No. XXIII of 2001) confirming distinct orders passed by the respondent No. 1/Competent Authority on 15.09.2022. They claim to be mebers of the scheduled tribe (Koli Mahadev) category. Their applications seeking tribe certificates were rejected by the respondent No. 1, which is further confirmed by the respondent No. 2.

3. Both the authorities below non suited petitioners on the ground that they could not produce cogent evidence to support their tribe claims especially the documents prior to 1950. It is further held that the place of residence of the petitioners and their forefathers is incompitable with the tribe claims. The tribe certificates and entries in school register are discarded being non conclusive.

4. We have considered rival submissions of the parties. We

have also gone through the genealogy and material placed by the petitioners before both the authorities. The tribe claims are founded on tribe certificates of Sachin, Kishor and Parmeshwar, affidavits and their school record. Parmeshwar is father of the petitioner No. 1. Sachin and Kishor are paternal side cousins of the petitioners. There is no reason to discard the tribe certificates. The entries of the school record of the paternal side relatives of the petitioners have not been doubted. We are of the considered view that there was adequate material before both the authorities to accept tribe claims of the petitioners.

5. It is not a rule of thumb that caste/tribe certificates of the relatives of the claimants which are sought to be produced should have been validated by the scrutiny committee. Neither it is requirement that there has to be documentary evidence of the period prior to 1950 to stake tribe claims. The scrutiny at this stage is not a threadbare enquiry. *Prima facie* satisfaction considering the material produced on record would be sufficient to issue tribe certificates. Both the authorities below have committed error of jurisdiction which calls for interference as follows :

(i) Impugned order dated 15.09.2022 passed by the respondent No. 1/Sub Divisional Officer, Majalgaon and common judgment and order dated 05.04.2024 passed by the respondent No. 2/Scrutiny Committee are quashed and set aside.

(ii) The respondent No. 1/Sub Divisional Officer, Majalgaon

shall forthwith issue tribe certificates to the petitioners as belonging to Koli Mahadev (Scheduled Tribe).

(iii) Rule is made absolute in above terms.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/June 24