



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9006 OF 2024

Vaibhav Ramdas Deulwad

VERSUS

1. The State of Maharashtra Through its Principal Secretary
2. The Competent Authority/Sub Divisional Officer
3. The Scheduled Tribe Certificate Scrutiny Committee

Mr. S. R. Andhale, Advocate for the petitioner
Mrs. P. J. Bharad, AGP for the respondents/State

938 WRIT PETITION NO. 9043 OF 2024

Sumit Ramdas Deulwad

VERSUS

1. The State of Maharashtra Through its Principal Secretary
2. The Competent Authority/Sub Divisional Officer
3. The Scheduled Tribe Certificate Scrutiny Committee

Mr. S. R. Andhale, Advocate for the petitioner
Mrs. P. J. Bharad, AGP for the respondents/State

939 WRIT PETITION NO. 9054 OF 2024

Saurabh Ramdas Deulwad

VERSUS

1. The State of Maharashtra Through its Principal Secretary
2. The Competent Authority/Sub Divisional Officer
3. The Scheduled Tribe Certificate Scrutiny Committee

Mr. S. R. Andhale, Advocate for the petitioner
Mrs. P. J. Bharad, AGP for the respondents/State

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

DATE : 23.08.2024

ORDER (PER - SHAILESH P. BRAHME, J):

Heard both the sides finally.

2. The petitioners are the siblings. They are sons of Ramdas Avdhootrao Deulwad. As there is common record, all the petitions are decided by this common order.

3. The petitioners are challenging common judgment and order dated 10/10/2022 passed by respondent no.3-Committee confirming distinct orders passed by respondent no.2- Competent Authority on 26/10/2021. Petitioners' applications seeking tribe certificate were rejected by the trial authority and confirmed by the appellate authority.

4. Petitioners claim to be belonging to 'Mannervarlu' Scheduled Tribe. They submitted applications before respondent no.-2 seeking tribe certificate. The respondent no.-2 rejected their applications on the ground that no cogent evidence was produced by them. The documents of prior

to 1950 were not produced. They preferred an appeal against the distinct orders passed by respondent no.2. The Appellate Court confirmed the findings and additionally also recorded that there is a possibility of staking false claim. The place of residents of the petitioners and their forefathers is not compatible with normal place of residents of the members belonging to 'Mannervarlu'.

5. We have considered submissions of both sides. The reasoning assigned by both the Courts below in rejecting the applications is against law laid down by **Anand Dhananjay Nalawade Vs. State of Maharashtra, 2014(4) Mh.L.J., 77**. Threadbare inquiry is not contemplated while considering applications seeking tribe certificates.

6. It reveals from record the petitioners have produced school record of their father Ramdas and uncle Dilip. Besides that tribe certificate of Dilip was also produced on record. We also noticed that genology and the affidavits are produced on record. It has been stated in the affidavit that no validity certificate has been issued in the family of the petitioner. The finding recorded by the lower appellate authority in respect of the documentary evidence of prior to 1950 is against the circular dated 20/11/2001. Such a type of evidence is not expected from

the claimant.

7. We are of the considered view that there was cogent evidence before both the authorities below. We, therefore, pass following order.

ORDER

- (i) Writ petitions are allowed.
- (ii) The impugned judgment and order passed by the scrutiny committee confirming the judgment and orders passed by Competent Authority are quashed and set aside.
- (iii) The respondent no.-2-Competent Authority shall issue tribe certificates to the petitioners.

(SHAILESH P BRAHME, J.)

(MANGESH S. PATIL, J.)

SSP