

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1188 OF 2015

SAVITA BHASKARRAO VAZAREKAR @ SAVITA RAHUL UPLAP
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Jadhavar Pratap V.
AGP for Respondent State: Mr.P.N.Mulay
Adv.Mr.P.S.Patil for R.2.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.**

DATE : 9th February, 2015.

P.C. :

Mr.Jadhavar, learned counsel submits that vide order dated 25/5/2011, the Scheduled Tribe Certificate Scrutiny Committee, Aurangabad had directed the Sub Divisional Officer to issue fresh certificate to the petitioner with correct nomenclature of Mannervarlu. However, the Sub Divisional Officer has not issued the same and now has directed the petitioner to file a fresh proposal. The same is not necessary. We have heard Mr.Patil, learned counsel for committee and the learned AGP.

2] Once the committee has directed the S.D.O. to issue fresh tribe certificate with correct nomenclature of Mannervarlu to the petitioner, then it is expected that the S.D.O. issues fresh certificate. It would not be necessary for the petitioner to file fresh proposal or application for the same.

3] It appears that the committee in ignorance of the earlier order dated 25/5/2011 has again passed an order on 8/12/2014 invalidating the tribe claim. In fact when earlier, the order was already passed directing the S.D.O. to issue fresh certificate, order dated 8/12/2014, was not contemplated.

4] In light of above, we pass following order :

a] The impugned order dated 8/12/2014 is quashed and set aside. Pursuant to the order of the committee dated 25/5/2011 the S.D.O. shall issue fresh tribe certificate to the petitioner with correct nomenclature of Mannervarlu expeditiously preferably within three months.

5] Writ Petition is accordingly disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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