

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

WRIT PETITION NO.4020 OF 2015

Udhav s/o Shivaji Koli
Age 28 years, Occ. Education,
R/o Harangul (Kh.), Tq. Latur,
District Latur

... PETITIONER

VERSUS

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai - 32
through its Secretary.

(Copy to be served on the
Govt. Pleader, High Court of
Bombay, Bench at Aurangabad)

2. The Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division, Aurangabad,
through its Member Secretary

3. The Sub-Divisional Officer,
Latur, District Latur.

... RESPONDENTS

.....
Shri V.U. Jadhav, Advocate for petitioner
Shri S.A. Ambad, A.G.P. for respondents No.1 and 3
Shri A.B. Tele, Advocate for respondent No.2
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CORAM: S.V. GANGAPURWALA AND
 A.I.S. CHEEMA, JJ.

DATED: 29th April, 2015.

ORAL JUDGMENT (Per S.V. Gangapurwala, J.):

1. Rule. Rule made returnable forthwith. Heard finally with the consent of learned counsel for the parties.

2. Mr. Jadhav, learned counsel for the petitioner submits that, the Sub-Divisional Officer as well as the Committee did not consider the documents filed by the petitioner in its correct perspective while rejecting the application of the petitioner for issuance of tribe certificate as belonging to Koli Mahadev - Scheduled Tribe. The learned counsel submits that, in the present Writ Petition, the petitioner has filed the school leaving certificates of the real brothers and sister of the petitioner along with their affidavits and even the genealogy. The surname is written differently, however, they are the real brothers and sister. The affidavit is filed on record. Mr. Tele, learned counsel submits that, with the available documents on record the Committee has not committed any error in dismissing the appeal. The additional documents filed on record were not before the Committee or the Sub-Divisional Officer. As such, no comments can be made on the said documents.

3. We have considered the submissions advanced by learned counsel for the respective parties.

4. Considering the fact that fresh documents are filed on record, wherein the surname differs, it would be appropriate for the Sub-Divisional Officer to consider the said documents and then arrive at a particular conclusion. The petitioner can produce these documents before the Sub-Divisional Officer. In light of the above, we pass the following order.

5. The impugned order passed by the Sub-Divisional Officer as well as the committee is quashed and set aside. The petitioner is relegated before the Sub-Divisional Officer. The Sub-Divisional Officer shall, after hearing the petitioner and considering the additional documents filed, decide the application of the petitioner for issuance of tribe certificate as belonging to Koli Mahadev - Scheduled Tribe. The petitioner shall appear before the Sub-Divisional Officer, Latur on 8th June 2015. Writ Petition accordingly disposed of. Rule disposed of. No costs.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)