

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

WRIT PETITION NO.5044 OF 2015

Vishnu Pandurang Hajare ... PETITIONER

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....
Shri P.B. Gapat, Advocate for petitioner
Shri G.K. Thigale, A.G.P. for State
Shri P.S. Patil, Advocate for respondent No.2
.....

CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.

DATED: 5th May, 2015.

ORAL ORDER :

1. Mr. Gapat, learned counsel for the petitioner states that the Sub-Divisional Officer has issued the tribe certificate to the petitioner as Mahadeo Koli instead of Koli Mahadeo. The Scrutiny Committee confiscated the said tribe certificate and directed the Sub-Divisional Officer to issue the tribe certificate as

"Koli Mahadeo", but the Sub-Divisional Officer is not issuing the same. The learned counsel submits that, the same has been communicated orally by the Sub-Divisional Officer to the petitioner.

2. Mr. Patil, learned counsel for respondent No.2 Committee submits that, as per the order passed by this Court in Writ Petition No.4536/2014, the Committee has passed the order.

3. We have considered the order passed by the Committee. The Committee in fact has relied on the instructions issued by this Court in Writ Petition No.4536/2014.

4. There is no written order from the Sub-Divisional Officer that it is not adhering to the judgment delivered by the Committee. The Committee in its order dated 25.3.2015, has specifically directed the Sub-Divisional Officer to provide the tribe certificate to the petitioner as "Koli Mahadeo". The Scrutiny Committee is an appellate authority of the Sub-Divisional Officer. The Sub-Divisional Officer is bound by the order passed by the Scrutiny Committee.

5. We hope and trust that the Sub-Divisional Officer i.e. respondent No.3 shall abide by the orders passed by the respondent No.2 Committee and implement the same expeditiously. Writ Petition accordingly disposed of. No costs.

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

(S.V. GANGAPURWALA, J.)

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