

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 10692 OF 2014

AKSHAY LAXMAN RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Bayas Anandsing
AGP for Respondents: Mrs.S.A.Dhumal.
Advocate for Respondents No.2 : Mr. Tele Ashok B.

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

DATE : 24th February, 2015.

P.C.:

. Mr.Bayas, learned counsel submits that the father of the Petitioner has been granted tribe certificate as belonging to "Thakur" Scheduled Tribe by Respondent No.3. However, the same is denied to the Petitioner. Four real cousin brothers have been granted validity. The said aspect is also not considered. The ground of area jurisdiction would not be germane.

2 Mr.Tele, learned counsel submits that there is not a single document prior to the Presidential Order. The merits of the matter has been considered by the Sub-Divisional Officer so also the Committee and have arrived at correct conclusion. The question of area restriction is also there.

3 In view of the fact that the Special Leave Petition is dismissed, the question of area restriction may not be germane.

4 It would be seen that the father of the Petitioner has been given tribe certificate as belonging to "Thakur" Scheduled Tribe. At this stage,

only *prima-facie* satisfaction has to be arrived at. The said certificate will have to undergo the acid test at the time of validation proceedings.

5 Considering the aforesaid aspects, we pass the following order:

- I. The impugned judgments are quashed and set aside.
- II. The Respondent No.3 shall issue the tribe certificate to the Petitioner of "Thakur" Scheduled Tribe, expeditiously, preferably within two months. Naturally, the investigation with regard to the same can be made at the time of validation proceedings.
- III. Accordingly, the writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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