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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5943 OF 2013

Pathan Rahimkha P. Sherkha

PETITIONER

VERSUS

The State of Maharashtra & others

RESPONDENTS

.....

Mr. A. S. Sawant, Advocate for the petitioner

Mr. P. S. Patil, Advocate for respondent No.2

Mr. P. N. Mule, AGP for respondent State

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[CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, J.J.]

DATE : 8th JANUARY, 2015

PER COURT:

1. Mr. Sawant, learned advocate for the petitioner submits that the petitioner had produced documents and said documents are not considered by the committee nor by the Sub Divisional Officer while dismissing the case of the petitioner for issuance of tribe certificate as belonging to Tadvi scheduled tribe. According to learned advocate, before Circle Officer also all the documents were presented and an inquiry was conducted by the Circle Officer and the case of the petitioner was recommended for issuance of tribe certificate, however the Sub Divisional Officer

and the Committee in appeal did not consider the same in correct perspective and arrived at erroneous conclusion.

2. Mr. Patil, learned advocate submits that not a single document, depicting tribe of the petitioner as Tadvi schedule tribe was before the Sub Divisional Officer for verification. The documents are produced subsequently.

3. Considering the arguments canvassed by learned advocates for respective parties, we are inclined to afford one more opportunity to the petitioner to produce all the documents before the Sub Divisional Officer for decision on merits.

4. In the light of above, we pass following order:

ORDER

i) The impugned orders passed by the Committee as well as by the Sub Divisional Officer are quashed and set aside.

ii) The petitioner may submit additional document on which the petitioner relies on, before the Sub Divisional Officer.

iii) The Sub Divisional Officer shall decide said application filed by the petitioner for

issuance of tribe certificate on its own merits,
after hearing the petitioner.

iv) The petitioner shall appear before the
Sub Divisional Officer on 22nd January, 2015.

v) Writ petition accordingly stands disposed
of with no order as to costs.

vi) It is made clear that we have not
considered merits of the submissions
canvassed by learned advocates for the
respective parties.

[V. L. ACHLIYA, J.] [S. V. GANGAPURWALA, J.]