

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

WRIT PETITION NO. 7193 OF 2015

CHINMAY GAJANAN CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S.B. Talekar
AGP for Respondents: Mr. K.J.Ghute Patil
Advocate for Respondent 2 : Mr. K.D.Bade Patil

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: July 20, 2015

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PER COURT :-

1. Leave to correct title clause with regard to respondent no.3.
2. Mr. Talekar, learned counsel for petitioner states that petitioner and father of the petitioner are residing at Aurangabad since 25 years. Father of the petitioner has residential house at Aurangabad. According to the learned counsel, father of the petitioner has been issued Tribe Certificate – belonging to “Thakur” Schedule Tribe issued by the competent authority of Karanja. Grand father of the petitioner has also been issued with Tribe Certificate as belonging to “Thakur” Scheduled Tribe by the Executive Magistrate of Karanja. Learned counsel submits that, same is situated in Akola District (Now Washim). According to the learned counsel, Rule 5 (2) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Caste Certificate Rules, 2003 would squarely apply. According to the learned counsel, even appeal is pending before the Committee, however, 22.7.2015 is the last date for petitioner for filling in the application form for

taking admission to the direct second year of four year full time Degree Course in Engineering/Technology in AICTE. Petitioner intends to apply for the same. According to the learned counsel Sub Divisional Officer has rejected the application of the petitioner only on the ground of jurisdiction.

3. We have heard Mr. Bade Patil learned counsel for respondent No.2 Committee. Learned counsel submits that this Court had directed the committee to decide the appeal within three months. Said period is yet to lapse. Learned counsel submits that the Committee is seized with the matters and would take decision in accordance with law within time limit given by this Court.

4. We have also heard learned AGP who states that Rule 5(2) of the said Certificate Rules would come to aid of the petitioner.

5. We have considered the submissions canvassed by the learned counsel for the parties.

6. Petitioner has produced caste certificate/tribe certificate issued to his grand father and father by Magistrate at Karanja Tq. Akola (Now Washim).

7. The petitioner contends that petitioner and his father resides here since 25 years and father of petitioner has residential

house at Aurangabad. Domicile certificate has been issued to the petitioner dated 13.5.2011 and 1.2.2014 showing that petitioner is resident of Aurangabad.

8. It is also not debatable that father and grand father of the petitioner have been issued with the Tribe Certificate. Considering the same and urgency shown in the matter, we pass following order.

O R D E R

1. Order passed by the Sub Divisional Officer, Aurangabad rejecting the application of the petitioner for issuance of Tribe Certificate is quashed and set aside. The Sub Divisional Officer shall issue Tribe Certificate to the petitioner as "Thakur Scheduled Tribe" immediately, considering the fact that, petitioner has to file on line application on 22.7.2015.

2. Needless to state that Tribe Certificate issued by the S.D.O will have to stand test of the Committee in validation proceeding.

9. Writ Petition accordingly disposed of. No costs.

10. In light of the order as above, appeal filed by the petitioner before the Committee also stands disposed of.

(V.K. JADHAV, J.)

aaa/-

(S V GANGAPURWALA, J.)

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