

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

WRIT PETITION NO. 8811 OF 2015

Parvatibai w/o Ganpatrao Narwade
age 54 years, occ. household
r/o Belgujari, Tq. Dharmabad,
Dist. Nanded
Through Power of Attorney holder
Ganpatrao s/o Maroti Narwade
age 60 years, occ. agril
r/o Belgujari, Tq. Dharmabad
Dist. Nanded.

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through Secretary to Tribal Development
Department, Mantralaya, Mumbai.
2. The Sub Divisional Officer Dharmabad
Dist. Nanded.

.. RESPONDENTS

Mr. S.M. Vibhute, advocate for petitioner.
Mr. V.H. Dighe, AGP for the State.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.**

DATE : 27th AUGUST, 2015

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final disposal at admission stage.
3. Petitioner claims to be belonging to 'Koli Mahadev' Scheduled Tribe. Petitioner tendered application for issuance of caste certificate to the Sub-Divisional officer, Dharmabad in the prescribed proforma. Application tendered by petitioner for issuance of tribe certificate has been turned down

merely on the ground that she has not mentioned name of her father and her maiden surname is not recorded in the application. Petitioner has pointed out that in the prescribed proforma application tendered by her, the name of her father and surname has been recorded. It is also further pointed out that the ordinary place of residence of her father is Golegaon which also falls within the territorial jurisdiction of Sub-Divisional Officer, Dharmabad.

4. Considering the facts and circumstances of the case, in our opinion, the Sub-Divisional Officer has committed an error in refusing to consider the application tendered by petitioner. He ought to have considered the aspect that petitioner has recorded in the application name of her father, her surname as well as ordinary place of residence of her father. In this view of the matter, writ petition deserves to be allowed and the same is accordingly allowed. Order passed by the Sub-Divisional Officer on 17.08.2015 rejecting the application tendered by petitioner is quashed and set aside and, the matter stands remitted back to the Sub-Divisional Officer for reconsideration. The Sub-Divisional Officer, after following the procedure prescribed under the law, shall consider the application and issue necessary orders, as expeditiously as possible, preferably within a period of four weeks from today. Rule is accordingly made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

(P. R. BORA)

JUDGE

dyb

(R. M. BORDE)

JUDGE