

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

WRIT PETITION NO. 4802 OF 2012

**VIJAY NARHARI SHINDE
VERSUS
SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE
AURANGABAD AND ANR**

Advocate for Petitioners : Deshmukh Mahesh S.
AGP for Respondents: Mr.A.R.Kale**

CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 26/07/2017

PER COURT :-

1] After having heard both sides and perusing the order dated 19/12/2011 we are of the firm view that the scrutiny committee could not have refused to verify the claim. The petitioner produced a tribe certificate dated 18/03/2010 issued by Deputy Collector,Parbhani.

2] The committee refused to scrutinize the claim on the ground that this Executive Magistrate has no jurisdiction to issue the caste/tribe certificate.

3] It is the committee which refers to all the Government Resolutions and the policy of the State not to inconvenience the

tribals or those belonging to Backward Classes by subjecting them to go to the authorities and within the jurisdiction of their original place of residence, as specified in Clause-b of Section 2 of the Maharashtra Act No.XXIII of 2001. Section 2(b) itself used the words "Unless specified otherwise". Now that specification comes in the form of several Government Resolutions and issued subsequently. Once the petitioner points out that the petitioner's father was issued a Tribe Certificate by the Executive Magistrate, Buldhana, copy of which is annexed as Exh-C, then the Committee in the instant case could not have refused to verify the Tribe claim. The petitioner is therefore, entitled to succeed. The impugned order is quashed and set aside. The claim shall be verified by the Committee on merits and in accordance with law and shall not be rejected only on the ground that the Caste/Tribe certificate has been issued by the Deputy Collector, Parbhani. The committee should proceed on the footing that the certificate is issued by competent authority. The Writ Petition is allowed in these terms and until scrutiny and verification is completed, the ad-interim order passed by this Court on 31/7/2012 shall continue to operate but the petitioner cannot claim any equities on that basis.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

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