

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD.

WRIT PETITION NO. 6681 OF 2017

Rupali Rajendra Majkuri,
age: 23 years, Occu. Student,
r/o Katneshwar, Tq. Purna,
Dist. Parbhani.

.. PETITIONER.

VERSUS

1. The State of Maharashtra,
Tribal Development Department,
through its Secretary,
Mantralaya, Mumbai – 32.

2. The Scheduled Tribe Certificate,
Scrutiny Committee, Aurangabad,
through its Deputy Director / Member.

3. The Deputy Collector/
District Supply Officer,
Parbhani, Tq. & Dist. Parbhani.

4. The Sub Divisional Officer,
Degloor, Tq. Degloor,
Dist. Nanded.

5. The Dean / Principal,
Government Medical College
and Hospital (GHATI), Aurangabad.

6. The Registrar,
Maharashtra University of Health Sciences,
Nashik, Dindori Road, Nashik,
Tq. & Dist. Nashik.

.. RESPONDENTS.

...
Advocate for Petitioner : Mr.Jadhavar Pratap V.
AGP for Respondent/State: Mr.R.V. Dasalkar.
...

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

Dated: DECEMBER, 18, 2017.

ORAL JUDGMENT: [Per Gangapurwala, J]

Rule. Rule made returnable forthwith. Heard finally with consent of the parties.

2. The tribe certificate of Koli Mahadev scheduled tribe issued to the petitioner by the Sub Divisional Officer, Parbhani has been cancelled and confiscated on the ground that the Sub Divisional Officer, Parbhani did not have jurisdiction. Liberty is given to the petitioner to get certificate from the competent authority.

3. Mr.Jadhavar, learned Advocate for the petitioner states that father of the petitioner has been issued with tribe certificate of Koli Mahadev – scheduled tribe by Sub Divisional Officer, Degloor and the tribe certificate of father of the petitioner has been validated by the Scrutiny Committee on 21.04.2001.

4. We heard learned AGP for the respondent – State.

5. In view of Rule 5(2)(b)(ii) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, if the father or grandfather of the candidate has been issued with the caste / tribe certificate by Sub Divisional Officer at one place, then the candidate can obtain such certificate from the competent authority at the place where he is residing.

6. In the present case, father of the petitioner has been issued tribe certificate by the authority at Degloor and the said tribe certificate is also validated. The Sub Divisional Officer, Parbhani could have issued tribe certificate to the petitioner as she is resident of Purna, District Parbhani.

7. In the light of the above, the impugned judgment and order is quashed and set aside. Respondent No.2

committee shall decide the validation proceedings in respect of tribe claim of the petitioner expeditiously on its own merits considering it to have been issued by the competent authority, preferably within nine months. Respondent Nos.5 and 6 shall not preclude the petitioner from prosecuting further studies only on the ground that validation proceeding is pending. Respondent Nos.5 and 6 can take appropriate action depending on the validation proceedings. Rule accordingly made absolute. No costs.

(V.L.ACHLIYA,J)

(S.V.GANGAPURWALA,J)

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