

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

BENCH AT AURANGABAD.

WRIT PETITION NO.6682 OF 2017

Priti Venkatrao Kaurwad ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...
Mr.P.V.Jadhavar, advocate for the petitioner.
Mr.A.V.Deshmukh, A.G.P. for the State.
Mr.A.V.Hon, advocate for Respondent No.5.
...

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

Date : 19.12.2017.

PER COURT :

1. Mr.Jadhavar, learned counsel submits that the tribe certificate of Mannervarlu - Scheduled Tribe issued to the petitioner by S.D.O., Latur is confiscated and cancelled by the Committee on the ground that petitioner is a permanent resident of Ambulga, Taluka Mukhed, District Nanded and the S.D.O., Latur, had no jurisdiction to issue the said certificate.

2. Learned counsel submits that the father of petitioner was issued tribe certificate by Tahsil Mukhed and the father of the petitioner was also issued certificate of validity on 7.2.2003.

3. Learned A.G.P. states that the petitioner is a resident of Taluka Mukhed, as such S.D.O., Latur did not have jurisdiction to issue the tribe Certificate.

4. The father of the petitioner is issued with the tribe certificate by Tahsil Mukhed and the tribe certificate is also validated by the Committee. In view of Rule 5(2)(b) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, if the father or the grand father is issued with the tribe certificate by competent Officer of one District then the tribe certificate can be issued to the son by the competent authority at the place where he resides or has migrated.

5. In light of the above, the impugned judgment and order is quashed and set aside. The Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner on merits after considering all the relevant aspects expeditiously, preferably within nine (9) months. The petitioner shall appear before the Committee on 4.1.2018.

6. The Respondent Nos.5 and 6 shall not refrain the petitioner from prosecuting further studies only on the ground that validation proceeding is pending. Of-course, the Respondent Nos.5 and 6 can take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceedings.

7. The Writ Petition is accordingly disposed of. No costs.

(V.L.ACHLIYA, J.)

(S.V.GANGAPURWALA, J.)

