

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

WRIT PETITION NO.10561/2017

**ASHWINI SANJAY NAVSARE THROUGH FATHER SANJAY SUKLAL
NAVWSARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Advocate for Petitioner : Barlinge S.R.
AGP for Respondents: Mr.P.S.Patil for R.1 and 2.**

CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 27/09/2017

PER COURT :-

The petitioner has been refused tribe certificate on the ground that the father's tribe claim is invalidated and Writ Petition filed by him is pending. It is submitted that the brother of the petitioner is issued with the tribe certificate and father's tribe certificate is now pending for validation.

2] We have heard learned AGP.

3] In Writ Petition No.8369/2013 we have set aside order of the committee invalidating tribe claim of the father of petitioner and remitted the matter back to the committee for fresh decision.

4] It is a fact that even the brother of the petitioner has been issued with the tribe certificate of Koli Malhar (Scheduled Tribe) and father's tribe certificate of Koli Malhar (Scheduled Tribe) is now

subjudice before the committee, in view of the order passed by us in Writ Petition No.8369/2013.

5] Considering the above, we set aside impugned order and direct the Sub Divisional Officer, Kannad, Dist.Aurangabad to issue tribe certificate to the petitioners of Koli Malhar (Scheduled Tribe) on or before 5/10/2017. The petitioners shall submit proposal for verification of their tribe certificates with the Aurangabad committee on **13/10/2017**. The validation proceeding in respect of tribe claim of the present petitioners shall be decided simultaneously with the validation proceeding of the tribe claim of father Sanjay Suklal Navsare as the evidence would be common in both.

6] After the proceedings are filed by the petitioner with the Aurangabad Committee, Aurangabad committee shall transfer the same to Nandurbar committee where validation proceeding of father is pending.

7] Writ Petitions is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

umg/