

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

902 WRIT PETITION NO. 8301 OF 2017

ANKIT HANMANTRAO DAYALWAR MINOR THROUGH GUARDIAN FATHER
HANMANTRAO VITTHAL DAYALW
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. N.R. Thorat h/f. Kasbe Dhairyshil Y.
AGP for Respondents: Mr. P.S. Patil
...

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**
DATE : 04.07.2017.

P.C. :-

. In this petition under Article 226 of the Constitution of India, the petitioner seeks a direction to the second respondent to issue a tribe certificate in favour of the petitioner certifying him as belonging to Mannerwvrlu Scheduled Tribe.

2. The matter was moved yesterday and we placed it today. Yesterday, we sought a clarification from the learned A.G.P. as to why the certificate has not been issued, though, the petitioner has made this application to the second respondent as far back as on 03.06.2017.

3. The only explanation that was given after speaking to the

second respondent by Shri Patil is that the file is not traceable and that is why the delay.

4. We placed the matter for passing final orders today simply because we thought that by that time the second respondent will realize how his conduct has resulted in injustice to the petitioner. The petitioner is seeking this certificate for pursuing the educational prospects and for furthering his career. He should not suffer simply because the second respondent has not found time to search the file and deal with the application for more than four weeks.

5. We, therefore, direct the Sub Divisional Officer to treat this petition and all the annexures thereto as an application by the petitioner to issue the certificate and he shall therefore not insist on production of any other record from his office. If the records are lost by him or his subordinate it is not the responsibility of the petitioner to go and search them nor will this Court accept such casual and light hearted attitude.

6. We, therefore, direct that within one week from today, the present petition being treated as an application from the petitioner, the necessary certificate be issued to the petitioner failing which the Sub Divisional Officer will have to remain present in this Court with the

necessary records and offer an explanation. If that explanation is not found acceptable this Court will not hesitate to direct initiation of disciplinary proceeding and pending the same further direct his suspension. The writ petition stands disposed of.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]