

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10507 OF 2017

Sanjay Bapurao Chavan

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Suresh P. Salgar, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Advocate for Respondents.

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

DATE : 21st September, 2017

PER COURT :

1. The tribe certificate of the petitioner as 'Thakur' scheduled tribe was referred to the committee for verification. The committee under order dated 26.8.2014 cancelled the said certificate on the ground that it is issued by the Executive Magistrate, Sillod and the applicant is a permanent resident of Village Hivardi, Tal. and District : Jalna.

2. The learned counsel submits that, father of the petitioner had shifted to Sillod in the year 1976. The Executive Magistrate, Sillod in the year 1991 has issued the tribe certificate to the petitioner's father as 'Thakur' scheduled tribe. The same Authority i.e. S.D.O., Sillod has issued the tribe certificate to the petitioner. An experience certificate of the petitioner's father from 1976-1995 issued by the employer also states the said fact, the application could not have been rejected. The learned

counsel relied on the order passed by this court in writ petition No. 12738 of 2016 dated 7th March, 2017.

3. We have heard Mrs. Gondhalekar, learned Addl. G. P.

4. It appears from the record that Executive Magistrate, Sillod has issued the tribe certificate of 'Thakur' scheduled tribe to the father of the petitioner way back in the year-1991. It also appears from the record that the father of the petitioner is stationed at Sillod since the year-1976, the petitioner is a permanent resident. The officer who had issued the tribe certificate to the petitioner the same office has issued the tribe certificate to the petitioner's father.

5. Considering the orders passed by this court in writ petition No. 7658 of 2014 dated 17.7.2017 and Writ Petition No. 12738 of 2016 dated 7th March, 2017 we set aside the impugned order and direct the committee to decide the validation proceeding in respect of the tribe claim of the petitioner on its own merits, in accordance with law. The petitioner may appear before the committee on 10th October, 2017.

6. The writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]
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