

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

BENCH AT AURANGABAD.

WRIT PETITION NO.10995 OF 2017

Amey S/o Sanjay Nemade,
Age 23 years, Occ.Education,
R/o C/o Manohar Narhar More,
In front of Krushinagar,
Parsavat Nagar, Thakur Nivas,
Parbhani,Tq. and Dist.
Parbhani. ... Petitioner.

Versus

1. Deputy Director (General),
Parbhani Dist.Parbhani.

2.Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad through its
Member Secretary.

3. Maharashtra Animal
& Fishery Sciences University,
Futala Lake Road,
Nagpur-440 001, through
its Registrar. ... Respondents.

...
Mr.Mahesh S.Deshmukh, advocate for the
petitioner.
Mr.S.B.Pulkundwar, A.G.P. for the State.
Mr.P.G.Rodge, advocate for Respondent No.3.

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

Date : 25.09.2017.

PER COURT :

1. The caste claim of the petitioner was referred to the Committee for verification. The tribe certificate is cancelled on the ground that the authority who has issued the tribe certificate does not have territorial jurisdiction.

2. Mr.Deshmukh, learned counsel submits that the father of the petitioner is already issued with the tribe certificate of Thakur (Scheduled Tribe) by the Executive Magistrate - Tahsildar, Akola on 23.6.1980. The petitioner is taking education at Parbhani, as such had applied to the Sub-Divisional Officer, Parbhani for tribe certificate and Sub-Divisional Officer, Parbhani, after inquiry has issued the tribe certificate.

3. We have heard Mr.Pulkundwar, learned A.G.P. and Mr.P.G.Rodge, learned counsel for Respondent No.3.

4. The father of the petitioner is already issued the tribe certificate of Thakur (Scheduled

Tribe) by the Tahsildar and Executive Magistrate, Akola, who was at the relevant time competent to issue the tribe certificate. Once the father of the petitioner was issued with the tribe certificate and if the son has migrated to some other District then the competent authority of the other District where the petitioner has migrated can issue the tribe certificate. Reference can be had to Rule 5(2)(b) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003.

5. In light of the above, the impugned order is quashed and set aside. The Respondent No.2 Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously, preferably within six (6) months. The petitioner shall cooperate in expeditious disposal of the said proceedings.

6. The Respondent No.3 shall consider the tribe claim of the petitioner pending i.e. Caste Verification Certificate (C.V.C.) pending and

deal with the admission of the petitioner on its own merits as per its Rules.

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

8. Mr.Rodge, learned counsel shall intimate this order to Respondent No.3.

9. Authenticated copy be given.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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