

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11594 OF 2017

Shivkumar Ananda Upwad

.. **Petitioner**

Versus

The State of Maharashtra and another

.. **Respondents**

Shir Sunil M. Vibhute, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl. G. P. for the Respondents.

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

DATE : 21st September, 2017

PER COURT :

1. Issue notice to respondents. Learned A. G. P. waives notice for respondents.

2. Mr. Vibhute, the learned counsel submits that the petitioner has applied for issuance of tribe certificate of 'Mannervarlu' scheduled tribe with the respondent No. 2. The respondent No. 2 informed the petitioner to submit the documents prior to 1950 or else, the application would be rejected.

3. The learned counsel submits that father of the petitioner has been issued tribe certificate of 'Mannerwarlu' scheduled tribe by S.D.O., Kandhar. Still, the S.D.O., Kandhar is insisting for issuance of residential proof prior to 1950.

4. We have also heard Mrs. Gondhalekar, the learned Addl. G. P.

5. The S.D.O. ought to have considered that the same S.D.O office has already issued tribe certificate to the father of the petitioner.

6. In view of the above, the impugned communication **(Exhibit - D)** is quashed and set aside. The S.D.O. shall decide the application on the basis of the documents filed before it within one month.

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

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

marathe/sep.17