

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

**WRIT PETITION NO. 12351 OF 2017**

Atul Babasaheb Satewad,  
Age: 21 Years, Occu.: Education,  
R/o.: Ner, Taluka: Jalna,  
District: Parbhani

.. **Petitioner**

**Versus**

1. The State of Maharashtra,  
Through Secretary to Tribal Development  
Department, Mantralaya, Mumbai
2. The Scheduled Tribe Certificate  
Verification Committee, Aurangabad,  
Through its Deputy Director [R]  
Aurangabad
3. The Sub Divisional Officer, Jalna,  
District: Jalna

.. **Respondents**

Shri Sunil M. Vibhute, Advocate for the Petitioner.  
Shri S. W. Munhe, A. G. P. for the Respondents.

**CORAM : S. V. GANGAPURWALA &  
S. M. GAVHANE, JJ.**

**DATE : 10<sup>th</sup> October, 2017**

**JUDGMENT** *(Per S. V. Gangapurwala, J.) :*

1. Rule. Rule returnable forthwith. With the consent of parties taken up for hearing.

2. The grievance of the petitioner is that the committee has cancelled the tribe certificate on the ground of territorial jurisdiction.

3. According to Mr. Vibhute, learned counsel for the petitioner, the petitioner since the days of his forefathers is resident of Ner, Taluka and District - Jalna. The learned counsel submits that father of the petitioner is issued with the tribe certificate by Tahsildar Jalna in 1989, the said tribe certificate is also validated by the respondent No. 2 - committee. Even the brother of the petitioner has been issued with the tribe certificate by S.D.O. Jalna and his tribe claim is also validated by respondent No. 2 - committee. Only because of a minor mistake in the application wherein Degloor was stated the committee has passed the order. Even the great grandfather of the petitioner was resident of Ner as can be seen from the revenue record i.e. Shetwara Patra, the great grandfather of the petitioner was holding property at Ner.

4. Mr. Mundhe, the learned A. G. P. states that in the application itself the petitioner had shown that the residence of the petitioner's forefather in 1950 was at Degloor, no error has been committed by the committee while passing the impugned order.

5. We have gone through the documents. It is a matter of record that the father of the petitioner is issued with the tribe

certificate by S.D.O. Jalna and the said tribe claim is also validated by the respondent No. 2-committee. Even the brother of the petitioner has been issued with the tribe certificate by S.D.O. Jalna and his tribe claim is also validated by the respondent No. 2 - committee. The old documents is also produced on record which would substantiate the claim of the petitioner that the petitioner since the days of his ancestors is resident of Ner, Taluka and District – Jalna

6. Moreover, the father and the real brother of the petitioner have been issued with the tribe certificate by Tahsildar Jalna and their tribe certificates are also validated by the respondent No. 2-committee.

7. Considering the aforesaid, the impugned order is quashed and set aside. The committee shall decide the validation proceeding in respect of the tribe claim of the petitioner on its own merits, in accordance with law, expeditiously and preferably within 9 months. The committee shall not dismiss the said proceeding on the ground that the tribe certificate was issued by the Authority not possessing territorial jurisdiction.

8. Rule accordingly made absolute in above terms. No costs.

**[S. M. GAVHANE, J. ]      [S. V. GANGAPURWALA, J. ]**  
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