

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.12849 OF 2016**

1. Soham s/o Suryakant Khanapurkar, ... **Petitioner.**
Age Minor, Occu: Education,
Under Guardianship of Suryakant
s/o Pundlikrao Khanapurkar,
Age 40 years, Occu: Service, R/o
Wadi (Bk) Tq. Nanded, Dist.
Nanded

VERSUS

1. The State of Maharashtra
Through Principal Secretary,
Ministry of Tribal Development
Department, Mumbai 400 032
2. The Sub Divisional Officer, ... **Respondents.**
Sub Divisional Magistrate,
Nanded, Tq. & Dist. Nanded

Mr. Omgashad B. Boinwad, Advocate for Petitioner
Mr. P. S.Patil, AGP for Respondents State

**CORAM : R. M. BORDE &
K. L. WADANE, JJ.**

DATE : 27th April, 2017

JUDGMENT (Per R. M. Borde, J.):

1. Rule. Rule made returnable forthwith.
2. With the consent of the parties, taken up for final disposal.
3. The application tendered by the petitioner for issuance of tribe certificate certifying that he belongs to "Koli Mahadev" Scheduled Tribe has been

turned down by the Sub Divisional Officer, Nanded by order dated 22.09.2016.

4. It is not a matter of dispute that father of the petitioner possesses tribe certificate and also validation certificate issued by the competent scrutiny committee. In spite of presentation of the copy of the validation certificate of the father, the Sub-Divisional officer has rejected the application tendered by the petitioner for issuance of tribe certificate. The view adopted by the Sub-Divisional officer is perverse and the order as such deserves to be quashed and set-aside.

5. The order passed by the Sub-Divisional officer is set-aside. Respondents No.2 is directed to issue tribe certificate to the petitioner as requested by him within a period of 2 weeks from today.

6. Rule is made absolute accordingly. There shall be no order as to costs.

(K. L. WADANE, J.)

(R. M. BORDE, J.)

JPC