

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12205 OF 2017

Naitik Rohidas Bodhgire

.. **Petitioner**

Versus

The State of Maharashtra and another

.. **Respondents**

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri K. D. Mundhe, A. G. P. for the Respondents.

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

DATE : **5th October, 2017**

PER COURT :

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

2. Mr. Jadhavar, 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 validity certificate of 'Mannervarlu' scheduled tribe and four real uncles have been also granted tribe certificates of 'Mannervarlu' 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 Mr. Mundhe, the learned A. G. P.

5. The S.D.O. ought to have considered that the same S.D.O office has already issued tribe certificates to the four real uncles of the petitioner. Even, the father of the petitioner has been granted with the validity certificate of the said tribe. In view of that, insisting for pre-1950 document by respondents would not serve any purpose.

6. In view of the above, the impugned communication **(Exhibit - C)** 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.

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