

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

WRIT PETITION NO. 12507 OF 2017

Santosh Rameshrao More

.. Petitioner

Versus

Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad through its
Member Secretary and another

.. Respondents

Shri D. B. Shinde, Advocate h/f Shri Mahesh S. Deshmukh,
Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

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

DATE : 12TH OCTOBER, 2017.

FINAL ORDER :

. The learned counsel for the petitioner submits that, the petitioner was issued with tribe certificate of Thakur (Scheduled Tribe) by the Sub Divisional Officer, Parbhani. The same was referred for validation to the Committee. The Committee dismissed it on the ground that the Sub Divisional Officer, Parbhani did not have territorial jurisdiction and the petitioner ought to have approached the authority at Washim. The learned counsel submits that, the petitioner is permanent resident of Parbhani. His father is serving at Parbhani since the year 1986.

The petitioner is also born at Parbhani. The father of the petitioner is issued with the tribe certificate of Thakur (S.T.) by the Executive Magistrate, Washim. The learned counsel submits that, the Sub Divisional Officer, Parbhani has the authority to issue the tribe certificate.

2. Mr. Patil, the learned Additional Government Pleader submits that, as the parents of the petitioner were permanent residents of Washim, it is only the authority at Washim who can issue the tribe certificate. The committee has not committed any error in passing the impugned order.

3. It is a matter of record that, father of the petitioner has been issued with the tribe certificate of Thakur (S.T.) by the Executive Magistrate, Washim. In view of Rule 5(2)(b) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of Certificate) Rules 2003, the certificate issued by the Sub Divisional Officer, Parbhani is valid.

4. In the light of the above, the impugned order is quashed and set aside. The Committee shall decide the validation proceedings in respect of tribe claim of the petitioner on its own merits, expeditiously and preferably within a period of nine (09) months from today. The petitioner shall appear before the Committee on 08th November, 2017. The respondent No. 2 shall

consider the case of the petitioner for provisional approval, subject to the decision of the Committee. The writ petition accordingly is disposed of. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Oct. 17