

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

WRIT PETITION NO. 12802 OF 2017

ONKAR SANDIPAN GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.P.V.Jadhavar, Advocate for the petitioner
Mr.S.W.Mundhe, AGP for the respondent/State

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.
DATED : 06.11.2017**

P.C. :-

. Mr.Jadhavar, learned counsel submits that SDO Shrirampur has issued the tribe certificate to the petitioner after perusing the tribe certificate issued in favour of the father. The Committee canceled and confiscated tribe certificate on the ground of territorial jurisdiction. Learned counsel submits that father of the petitioner is issued with the tribe certificate by Jalna District Magistrate and subsequently validity is also issued in favour of the father of the petitioner. In view of Rule 5(2)(b) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of Certificate) Rules, 2003 the SDO of the place where the petitioner has migrated is entitled to issue tribe certificate.

2. We have heard learned AGP.

3. It appears that father of the petitioner is issued with the tribe certificate. It is stated that even the father of the petitioner has been issued to the validity certificate. In view of the Rule 5(2)(b) the SDO, Shrirampur could have issued the tribe certificate to the petitioner who has migrated to Shrirampur.

4. In light of above, we pass the following order.

ORDER

i. The impugned order is quashed and set aside.

ii. The Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner on its own merits and in accordance with law expeditiously, preferably within eight months.

iii. The petitioner shall co-operate in expeditious disposal of the said proposal.

iv. The writ petition accordingly stands disposed of. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]