

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13399 OF 2017

Kajal Ramakant Sitale,
Age: 19 Years, Occu.: Student,
R/o.: House No. 56, Priydarshani Nagar,
Nageshwarwadi, Dist.: Aurangabad .. **Petitioner**

Versus

1. The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad,
Through its Deputy Director. (R),
3. The Sub Divisional Officer/ Deputy Collector,
Aurangabad, Tq. & Dist.: Aurangabad .. **Respondents**

Shri Pratap V. Jadhavar, Advocate for the Petitioner.
Shri P. S. Patil, Addl. G. P. for the Respondents.

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

DATE : 16th November, 2017

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

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

2. Mr. Jadhavar, learned counsel submits that the proposal of the petitioner seeking validity to the tribe certificate was referred to the committee. The committee cancelled the said certificate on the ground that Sub Divisional Officer, Aurangabad did not have the jurisdiction to issue it. The learned counsel submits that grandfather of the petitioner has been issued with the tribe certificate by Executive Magistrate, Ambajogai on 5.12.1981. The father of the petitioner has been issued with the tribe certificate by Executive Magistrate, Aurangabad in the year 1982. The petitioner has been issued with the tribe certificate by the Deputy Collector, Aurangabad, the same would be legal and valid as per Rule 5(2)(b) of The Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003.

3. We have heard the learned A.G.P. for the respondents.

4. The tribe certificate issued to the grandfather by Executive Magistrate, Ambajogai is on record. Even tribe certificate is issued to the father of the petitioner by Executive Magistrate, Aurangabad.

5. In such a case, Rule 5 (2)(b) of The Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, would operate and the tribe certificate issued to the petitioner by the Deputy Collector, Aurangabad would be valid

and could not have been cancelled on the ground of jurisdiction.

6. In the result, the impugned order is quashed and set aside. The committee shall decide the tribe claim of the petitioner on its own merits, in accordance with law, expeditiously and preferably within one (1) year. The petitioner shall appear before the committee on 4th December, 2017.

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

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

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