

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

WRIT PETITION NO. 13615 OF 2017

Pooja Gangadhar Gurle

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri S. M. Vibhute, Advocate for the Petitioner.

Mrs. R. P. Gaur, A.G.P. for Respondent Nos. 1 to 3.

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

DATE : 22ND NOVEMBER, 2017.

ORDER :

. Issue notice to respondents. The learned A. G. P. waives notice for all respondents.

2. Mr. Vibhute, learned counsel submits that S.D.O. Nanded 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 Tahsildar Parbhani 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 S.D.O. of the place where the petitioner has migrated is entitled to issue tribe certificate.

3. We have also heard learned the learned Assistant Government Pleader for respondent Nos. 1 to 3.

4. 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) of the said Rules, the S.D.O., Nanded could have issued the tribe certificate to the petitioner who has migrated to Nanded.

5. 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 cooperate 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.]

bsb/Nov. 17