

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

WRIT PETITION NO. 2791 OF 2018

Pranav Arvindrao Suryawanshi .. Petitioner

Versus

Scheduled Tribe Certificate Scrutiny Committee Aurangabad

Through its Member Secretary and others .. Respondents

Shri. Sagar S. Phatale, Advocate h/f Shri. S. S. Gangakhedkar, Advocate
for the Petitioner.

Smt. M. A. Deshpande, Addl.G.P. for Respondent/State.

**CORAM : S.V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATED : 15th March, 2018

PER COURT:

. Issue notice to respondents. The learned Additional Government
Pleader. accepts notice for all respondents.

2. The respondent committee has cancelled and confiscated the tribe
certificate of the petitioner on the ground that the same is not issued by
the competent authority on the basis of territorial jurisdiction.

3. It is submitted that the father of the petitioner is issued with the tribe certificate by the Executive Magistrate, Ambejogai.

4. Rule 5(2)(b) of the Maharashtra Scheduled Tribe (Regulation of Issuance and Verification of) Certificate Rules 2003 (for short "Rules of 2003") states that, if the father of a candidate has been issued with the tribe/caste certificate by the competent authority and subsequently migration has taken place, then son can obtain the certificate from the authority where he has migrated.

5. Considering the above, we pass the following order.

6. The impugned order is quashed and set aside. The respondent-committee shall decide the validation proceeding in respect of tribe claim of the petitioner on its own merits, in accordance with law, expeditiously and preferably within a period of six (06) months from the date of appearance of the petitioner. The petitioner shall appear before the committee on 27.03.2018. The writ petition is accordingly disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]