

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

WRIT PETITION NO. 2734 OF 2018

Sanika D/o Anil Shirsath

... Petitioner

VERSUS

Scheduled Tribe Certificate Scrutiny
Committee, Nandurbar & Ors.

... Respondents

.....

Mr Sagar S. Phatale, Advocate for the petitioner

Mr A. S. Shinde, AGP for respondent/State

.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 14TH MARCH, 2018.

ORDER:

1. Mr Phatale, the learned counsel for the petitioner submits that, the petitioner had been issued with the tribe certificate by the Sub-Divisional Officer, Amalner on 27.03.2017. The Committee refused to accept the proposal on the ground that the tribe certificate is not in accordance with the Form 'C' as detailed in the Maharashtra Act No. XXIII of 2001 and Rules of 2003.

2. Learned Assistant Government Pleader accepts notice for the respondents.

3. It appears that, when the petitioner again applied seeking tribe certificate in proper format, the Sub-Divisional Officer has intimated the petitioner to produce all the documents and to prove his tribe.

4. When the tribe certificate is already issued by the Sub-Divisional Officer, Amalner on 27.03.2017 and same is not in a proper form as is provided under the Act and Rules, then the petitioner would only be required to surrender the original tribe certificate received by him and upon verification of the same, the Sub-Divisional Officer should issue the corrected tribe certificate in proper form 'C'.

5. The impugned order is set aside. The petitioner shall file an application and surrender the original tribe certificate issued to him. Upon receiving the same, if the Sub-Divisional Officer gets satisfied that it is issued from his office, then he shall issue the tribe certificate in proper form 'C' as is provided under Rule 4(C) and Section 5(2)(A) & (B) within a period of two weeks from the date of submission of the original certificate.

6. The writ petition is, accordingly, disposed of. No costs.

[A. M. DHAVALE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

M. T. Adhane