

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

WRIT PETITION NO.4407 OF 2018

Yash s/o Rajendra Thakur
under guardianship of father
Rajendra s/o Jagannath Thakur ..Petitioner

Versus

The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai and ors. ..Respondents

Mr M.A. Golegaonkar, Advocate for petitioner
Mr S.G. Karlekar, A.G.P. for respondents

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

DATE : 2nd May 2018

PER COURT

1. Mr Golegaonkar, learned Advocate submits that the grievance of the petitioner is that the tribe certificate issued to the petitioner of Thakur tribe is not in Form 'C'. The application was made to the Sub Divisional Officer. The Sub Divisional Officer rejected the application assuming that the application is made for issuance of tribe certificate in favour of the father of the petitioner. The petitioner being minor, had to apply through his father and the fresh application is rejected on the ground that there are no old documents produced. The appeal was filed by the father, which is still pending.

2. Learned A.G.P. accepts notice for respondents.

3. If the petitioner is already issued with the tribe certificate on 9.1.2004, then it was not necessary to again prove the factum required for issuance of caste certificate and the only factum required

to be considered is now issuance of the said caste certificate in Form 'C'. Whole exercise adopted was unwarranted.

4. Considering the above, we pass the following order:

(I) The Sub Divisional Officer, Amalner/competent authority shall, after verifying the caste certificate issued to the petitioner on 9.1.2004 by Sub Divisional Officer, Chopada and on being satisfied the same having been issued, shall issue the caste certificate to the petitioner of Thakur tribe in Form 'C' expeditiously, preferably within two weeks.

(II) On submission of the caste certificate in Form 'C', the proposal shall be accepted and shall be decided by the Committee expeditiously.

5. Writ Petition disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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