

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

WRIT PETITION NO.5566 OF 2017

Vikram Rajkumar Mundle

..Petitioner

Versus

Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Region, Aurangabad
Through its Member Secretary and anr.

..Respondents

Mr D.B. Shinde, Advocate for petitioner
Mr P.S. Patil, A.G.P. for respondent no.1
Mr A.K. Tiwari, Advocate for respondent no.2

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

DATE : 24th April 2018

PER COURT

1. The Committee has cancelled the tribe certificate issued to the petitioner on the ground that the tribe certificate issued by the Executive Magistrate, Aurangabad and the petitioner is permanent resident of Jalna, Taluka and District Jalna.
2. The learned Counsel submits that the petitioner is residing here since 1950-51. Even the great grandfather of the petitioner was admitted in Multipurpose High School, Aurangabad.
3. We have heard learned A.G.P. also.
4. It is observed by the Committee that the petitioner is a permanent resident of Jalna, Taluka and District Jalna. In the year 1950, Jalna was part of Aurangabad district. In fact, upto 1980-82 Jalna was party of the Aurangabad. As such, the petitioner can be said to be resident of Aurangabad district at relevant time.

5. In the light of that the impugned order dated 29.3.2017 passed by respondent no.1-Scrutiny Committee at Aurangabad is quashed and set aside. The Committee shall decide the validation proceeding in respect of the tribe claim of the petitioner on its own merits.

6. It has been observed that the name of the tribe in the tribe certificate has been wrongly spelt. The Committee shall give the attested copy of the tribe certificate to the petitioner within one week. Within one week thereafter, the petitioner shall submit the attested copy of the tribe certificate to the Sub-Divisional Officer, Aurangabad. The Scrutiny Committee, after verifying the genuineness of the said certificate, shall issue the tribe certificate to the petitioner with the correct spelling of the tribe within two weeks. On receipt of the corrected certificate, the petitioner shall submit it to the Committee. The Committee shall thereafter decide the proposal expeditiously, preferably within six months.

7. Writ Petition is accordingly disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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