

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

WRIT PETITION NO. 7646 OF 2014

Pathan Mujeeb Khan S/o Habib Khan
Pathan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri K. J. Suryawanshi, Advocate for the Petitioner.

Shri P. G. Borade, A.G.P. for Respondent Nos. 1 and 3.

None present for the respondent No. 5.

The Respondent Nos. 2 and 4 are deleted.

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

DATE : 13TH APRIL, 2018.

FINAL ORDER :

. The learned counsel for the petitioner seeks leave to delete respondent Nos. 2 and 4. Leave to delete respondent Nos. 2 and 4 is granted at the risk of the petitioner.

2. The learned counsel for the petitioner states that, the tribe certificate of the petitioner is cancelled and confiscated on the ground that the Deputy Collector, Aurangabad, who had issued the certificate did not have territorial jurisdiction. The Committee came to the conclusion that, the petitioner is a

permanent resident of village Dabhadi, Tq. Badnapur, Dist. Jalna on the date of notification i. e. 06th September, 1950 and the said place does not fall within the jurisdiction of the Deputy Collector (Setu), Aurangabad. According to the petitioner, his father has been issued with the caste certificate in the year 1992.

3. In the year 1950 Jalna was not an independent district and it was part of Aurangabad District. Even Badnapur may not be a separate taluka. Jalna district is carved out as a separate district in the year 1980-1981 and Badnapur was also not different taluka. It was part of Aurangabad District.

4. The Committee has not considered the said aspect while passing the impugned order. The father of the petitioner has also been issued with the caste certificate by the Sub Divisional Officer.

5. The caste certificate is issued to the petitioner under order dated 08.10.2012 of this Court in Writ Petition No. 4492 of 2012.

6. In the light of the above, the impugned order is quashed and set aside. The petitioner is relegated before the Committee. The committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously on its own merits and in accordance with law. The committee shall not reject the

proposal on the ground on which impugned order was passed. The petitioner shall appear before the Committee on 24th April, 2018. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 18