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

WRIT PETITION NO. 160 OF 2018

Shantanu s/o Gopal Yenchewad .. Petitioner

Versus

The State of Maharashtra and ors. .. Respondents

Mr S.M.Vibhute, Advocate for petitioner
Mr R.V. Dasalkar, A.G.P. for respondents

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

DATE : 11th January 2018

PER COURT

Issue notice to respondents. The learned A.G.P. waives notice for all respondents.

2. Mr Vibhute, learned Counsel submits that the Deputy Collector, Aurangabad has issued the tribe certificate of the petitioner after perusing the tribe certificate issued in favour of the father. The Committee cancelled and confiscated tribe certificate on the ground of territorial jurisdiction. Learned Counsel submits that father of the petitioner is issued with the tribe certificate by Sub Divisional Officer, Udgir and subsequently validity is also issued in favour of the father of the petitioner. In view of Rule 5(2) (b) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of Certificate) Rules, 2003 the Sub Divisional Officer of the place where the petitioner has migrated is entitled to issue tribe certificate.

3. We have also heard learned A.G.P. for respondents no.1 to 3.

4. It appears that father of the petitioner is issued with the tribe certificate. In view of the Rule 5 (2) (b) of the said Rules, the S.D.O., Nanded could have issued the tribe certificate to the petitioner who has migrated to Nanded.

5. In light of above, we pass the following order.

ORDER

I. The impugned order is quashed and set aside.

II. The Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner on its own merits and in accordance with law expeditiously, preferably within eight months.

III. Writ Petition stands disposed of. No costs.

(A.M. DHAVALE, J.) **(S.V. GANGAPURWALA, J.)**

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