

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

WRIT PETITION NO. 8978 OF 2018

Nikhil Kailas Shrote

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri V. M. Kagane, A.G.P. for Respondents No. 1 to 3.

Shri S. G. Karlekar, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 05TH JULY, 2019.

FINAL ORDER :

. Mr. Jadhavar, the learned advocate for the petitioner submits that, the tribe claim of the petitioner was forwarded for verification to the Scrutiny Committee. The Scrutiny Committee has cancelled and confiscated the tribe certificate of the petitioner only on the ground that the permanent place of residence of the petitioner is village Darati, Tq. Umerkhed, Dist. Yeotmal and the petitioner has obtained the tribe certificate from Sub Divisional Magistrate, Kinwat. The learned counsel further submits that, the grandfather of the petitioner is issued with tribe certificate on 02nd March, 1967 of Halba (Scheduled Tribe) by the competent authority at that time i. e. Taluka Magistrate,

Umerkhed. The learned advocate relies on Rule 5(2)(b) of The Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rule, 2003 (for short 'Said Rules').

2. We have heard the learned Assistant Government Pleader for respondents/State. The learned A. G. P. submits that, no such tribe certificate was relied by the petitioner before the Scrutiny Committee.

3. The petitioner has shown us across the bar original tribe certificate issued to one Vasant Honaji Shrote. The petitioner claims that said Vasant Honaji Shrote is grandfather of the petitioner. He has been issued with the tribe certificate of Halba (S.T.) by the Taluka Magistrate, Umerkhed on 02nd March, 1967. Said certificate was not produced by the petitioner before the Committee, as such the Committee did not have occasion to consider the said aspect.

4. If father or grandfather of the petitioner is issued with the tribe certificate by the competent authority of the original place of residence and subsequently the petitioner migrates, then the competent authority at the place where the petitioner has

migrated is competent to issue the tribe certificate.

5. Considering the above aspects of the matter, the petitioner will have to place on record the tribe certificate issued to the grandfather of the petitioner before the Scrutiny Committee. If the Scrutiny Committee comes to the conclusion that the grandfather of the petitioner was issued with the tribe certificate by the Taluka Magistrate, Umerkhed, then the tribe certificate obtained by the petitioner from Sub Divisional Magistrate, Kinwat would be legal and valid as per rule 5(2)(b) of the said Rules.

6. In the light of the above, we grant one more opportunity to the petitioner to place on record the tribe certificate of his grandfather before the Committee. The impugned order is quashed and set aside. The matter is remitted back to the Scrutiny Committee. The petitioner shall appear before the Scrutiny Committee on 06.07.2019. The learned counsel for the petitioner submits that, vigilance is already conducted and say is also filed by the petitioner. In view of that, the Scrutiny Committee shall make an endeavour to decide the validation proceeding by 11.07.2019.

7. In view of the above, the writ petition is disposed of. No costs.

8. Parties to act on authenticate copy.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 19