

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9680 OF 2019

ASHISH MADANRAO KADAM

VERSUS

SUB DIVISIONAL OFFICER, AURANGABAD AND OTHERS

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Advocate for Petitioner : Mr. Phatale Sagar S.

AGP for Respondents : Mr. P. S. Patil

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, J.

DATE: 05th AUGUST, 2019

PER COURT:

1. Mr. Phatale, learned counsel for the petitioner submits that the petitioner is issued with the caste certificate of Thakur, Schedule Tribe by the Sub Divisional Officer, Aurangabad as the petitioner has migrated to this place. The grandfather of the petitioner namely Kisan Narayan Kadam is issued with the tribe certificate of Thakur, Scheduled Tribe by Executive Magistrate Shindkhedraja. At the relevant time, Executive Magistrate was competent to issue the said certificate. The learned counsel 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 Act, 2000.

2. We have heard the learned A.G.P. also.

3. The petitioner has filed on record the photo copy of the caste certificate issued by the Executive Magistrate, Shindkhedraja to Kisan Narayan Kadam who is referred to by the petitioner as his grandfather.

4. If the father or the grandfather is issued with the caste certificate by a competent authority of the original place of residence and subsequently the candidate migrates, then in such circumstances the competent authority of the place where the candidate has migrated is empowered to issue the caste certificate.

5. Considering the above, the impugned order 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. The petitioner shall also submit the caste certificate issued to his grandfather with the committee. The committee, if it is possible shall consider to decide the said proceeding on or before 16.08.2019.

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

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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