

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

44 WRIT PETITION NO.10779 OF 2018

ALKA NARAYANRAO PAWAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sagar S. Phatale, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondents-State.

...

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

DATED : 28th JANUARY, 2019.

PER COURT:-

1. Mr. Phatale, learned counsel for the petitioner submits that the caste certificate of the petitioner was referred to the committee for verification. The committee invalidated it only on the ground that the petitioner is original resident of Yavatmal District. The father of the petitioner is also issued with the tribe certificate from the Executive Magistrate, Degloor. In view of that, the petitioner would be entitled for the tribe certificate from the S.D.O. Degloor. The committee ought to have decided it on merits.

2. The learned A.G.P. submits that the competent authority wherein the petitioner or his ancestor originally resided had not issued the

tribe certificate to the father of the petitioner, as such the petitioner is not entitled for issuance of tribe certificate from S.D.O. Degloor.

3. It appears that the petitioner had represented that he originally belongs from Yavatmal District. On that basis the committee has directed the petitioner to obtain the tribe certificate from the competent authority in the Yavatmal District. Rule 5(2)(b) would not inure to the benefit of the petitioner. If the father of the petitioner would have been issued with the tribe certificate from the competent authority at Yavatmal and subsequently the petitioner had migrated to Degloor then the competent authority at Degloor had jurisdiction to issue such certificate. The petitioner could have got the aid of Section 5(2)(b) and 5(2)(a) also. However, the father of the petitioner has not been issued with tribe certificate by the competent authority of its original place of residence.

4. The learned counsel submits that the petitioner had applied before the S.D.O. Umarkhed, but he did not accept the application.

5. If the application is filed by the petitioner, the S.D.O. Umarkhed is bound to accept the same and decide it. Even, the order of the scrutiny committee refers to the fact that the

petitioner shall obtain it from the place of his permanent residence that is Marlegaon, Tq. Umarkhed.

6. In light of the above, the respondent no.6 shall accept the application filed by the petitioner for issuance of tribe certificate and shall decide it within a period of four (04) weeks from the date of receipt of the application.

7. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE