

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

WRIT PETITION NO. 11062 OF 2019

Yash S/o Sanjay Thakur

.. Petitioner

Versus

Scheduled Tribe Certificate Scrutiny Committee
Aurangabad Division and Others

.. Respondents

Mr. M. S. Deshmukh, Advocate for Petitioner.

Mr. P. S. Patil, Addl. G. P. for Respondents-State.

**CORAM : S. V. GANGAPURWALA &
 ANIL S. KILOR, JJ.**

DATED : 09th SEPTEMBER, 2019.

PER COURT:-

1. Mr. Deshmukh, learned Counsel submits that the respondent committee has confiscated and cancelled the tribe certificate of the petitioner on the ground that the Sub Divisional Officer, Aurangabad was not competent to issue the certificate. According to the learned Counsel this Court in earlier writ petition filed by the petitioner bearing Writ Petition No. 3953 of 2017 under order dated 23.03.2017 had set aside the judgment of the committee and directed the committee to decide the validation proceeding in respect of the tribe claim of the petitioner on its own merits. The committee had earlier under order dated 30.11.2016 cancelled and confiscated the tribe certificate of the petitioner on the ground that the tribe certificate is not issued by the competent authority at Lonar.

2. We had under our order dated 23.03.2017 in writ petition No. 3953 of 2017 filed by the petitioner set aside the said order and directed the committee to decide the matter on its own merits. We had observed that the authority at Aurangabad was competent to issue the tribe certificate in view of Rule 5(2)(b) of the Maharashtra Scheduled Tribe (Regulation of Issuance and Verification of) Certificate Rules, 2003. In spite of our order setting aside the earlier order of the committee, the committee has again ventured to cancel the said certificate on the very same ground.

3. The committee had no right or authority to sit over the judgment of this Court. In fact, the impugned order amounts interference in the administration of justice. Even the judgment of the Full Bench of this Court referred to in the order is not appreciated by the committee in its correct perspective.

4. The father of the petitioner has been issued with the tribe certificate by the competent authority of the original place of residence. After migration the petitioner is entitled to apply for the tribe certificate at the migrated place.

5. The committee is required to consider the judgment passed by this Court. The committee is required to respect the judgment passed by this Court and adhere to the same. If in future we come across such orders we would to deal with such order coercively.

6. The impugned order is quashed and set aside. The committee is directed to decide the validation proceeding on its own merits and shall not reject it on the same ground pursuant to which the impugned order is passed.

7. It is submitted that the vigilance is already conducted. The committee shall decide the validation proceeding expeditiously and preferably within a period of three (03) months from the date of appearance of the petitioner. The petitioner shall appear before the committee on 18.09.2019.

8. Writ Petition is disposed of. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.