

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

WRIT PETITION NO. 2522 OF 2020

**KAUSHIKEE PRASAD GHATHE THROUGH MOTHER MEGHA
PRASAD GATHE**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Yeramwar Sushant C.

AGP for Respondents : Mr. A. R. Kale

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 10th FEBRUARY, 2020

PER COURT:

1. The application for issuance of tribe certificate of Thakur, Scheduled Tribe is rejected by the Sub Divisional Officer on the ground of territorial jurisdiction. The appeal filed by the petitioner is dismissed.

2. We have heard Mr. Yeramwar, learned counsel for the petitioner and Mr. Kale, learned Assistant Government Pleader for the respondents.

3. The scrutiny committee, it appears has mingled the facts of another case in the case of the petitioner. The petitioner had applied for the

tribe certificate of Thakur, Scheduled Tribe. The scrutiny committee has rejected the appeal on the premise that the petitioner applied for the tribe certificate of Koli Mahadev, Scheduled Tribe. According to the learned counsel, even the dates mentioned are not relates to the case of the present petitioner.

4. The petitioner has placed on record the caste certificate issued in favour of her father by the Sub Divisional Officer, Jalgaon (Jamod) and caste certificate of Thakur, Shceduled Tribe issued in favour of his grandfather Trymbak dated 01.12.1990 by the Executive Magistrate, Jalgaon (Jamod). According to the petitioner, the petitioner has now migrated to Aurangabad.

5. Rule 5(2)(b) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 provides that if the father and grandfather have been issued with the tribe certificate by the competent authority and subsequently the ward has migrated, then the competent authority of the place where the ward

has migrated is empowered to issue the tribe certificate. Reference can also be had to the judgment of the full bench of this Court in case of ***Rajendra Shivram Thakur Vs. The State of Maharashtra and others*** reported in **2019 (4) Mh.L.J. 721.**

6. Considering the fact that the father of the petitioner, grandfather of the petitioner have been issued with the tribe certificate and also going through the orders passed by the scrutiny committee which is without application of mind, the impugned orders are quashed and set aside. Respondent no. 3 shall issue the tribe certificate to the petitioner of Thakur, Scheduled Tribe within a period of four (04) weeks which certificate naturally will have to undergo verification at the hands of the scrutiny committee.

7. Writ Petition accordingly stands disposed of.
No costs.