

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

WRIT PETITION STAMP NO. 13292 OF 2020

Sheetal Sanjay Chavan and another

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Sushant C. Yeramwar, Advocate for the Petitioners.

Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATED : 13th AUGUST, 2020.

PER COURT:-

. We have heard the learned counsel for the petitioners and the learned A.G.P for respondents.

2. The petitioners had applied for issuance of tribe certificates to the Sub Divisional Officer. The Sub Divisional Officer rejected the application. The petitioners filed appeal before the scrutiny committee. The appeal before the scrutiny committee is allowed under the judgment and order dated 14.08.2019. The learned counsel for the petitioners submits that pursuant to the order passed by the appellate authority, the petitioners approached the Sub Divisional Officer for issuance of the tribe certificates. The Sub Divisional Officer is not

issuing tribe certificates. On the contrary, holding a fresh enquiry, the same is not permissible.

3. Once the appellate authority has allowed the appeal of the petitioners, the Sub Divisional Officer has to only perform the ministerial act of issuance of the tribe certificates for which the petitioners had applied. As the appeal is allowed the Sub Divisional Officer is not thereafter competent to conduct a fresh enquiry. The Sub Divisional Officer cannot sit over the judgment of the scrutiny committee.

4. In the light of the above, the Sub Divisional Officer shall issue the tribe certificates to the petitioners immediately in pursuant to the judgment and order of the scrutiny committee dated 14.08.2019.

5. Writ petition is disposed of. No costs.

(R. G. AVACHAT)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.