

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

159 WRIT PETITION NO.6664 OF 2020

SUNIL PRABHAKAR MORE

..PETITIONER

VERSUS

SUB DIVISIONAL OFFICER JALGAON AND
OTHERS

..RESPONDENTS

...

Mr. Sagar S. Phatale, Advocate for the Petitioner.
Mr. K. N. Lokhande, AGP for Respondent-State.
Mr. Maheshkumar S. Sonawane, Advocate for the
Respondent No.3.

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

DATED : 02nd NOVEMBER, 2020.

PER COURT:-

1. The Committee under the impugned order has canceled the tribe certificate on the ground that the same is not issued by the Competent Authority.

2. The Committee held that the petitioner's ancestors are the permanent resident of Dighi, Tal. Pachora, District Jalgaon, whereas, the caste certificate is obtained from the Sub Divisional Officer, Jalgaon.

3. The petitioner has placed on record the caste certificate issued by the Executive Magistrate in favour of his grandfather on 17.01.1979 and caste certificate issued in favour of his father by the Executive Magistrate, Jalgaon on 07.03.1989.

4. 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 provides that if the petitioner has migrated and the father and grandfather is issued with the tribe certificate, then the Executive Magistrate of the place where the petitioner has migrated, can issue the caste certificate at the place where the petitioner has migrated.

5. In light of that, the impugned order is quashed and set aside. The Committee shall decide the validation proceeding in respect of the caste claim of the petitioner on its own merits.

6. Writ Petition is disposed of. No costs.

(R. G. AVACHAT)
JUDGE

(S. V. GANGAPURWALA)
JUDGE