

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

61 WRIT PETITION NO. 7205 OF 2020

**HARSHVARDHAN DIGAMBAR PANDE THROUGH ITS FATHER AND
NATURAL GUARDIAN DIGAMBAR ASARAM PANDE**

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner: Mr. Vibhute Sunil M.

AGP for Respondents: Mrs. M. A. Deshpande

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

DATE: 21st OCTOBER, 2020

PER COURT:

1. The learned Additional Government Pleader accepts notice for respondents and submits that the petitioner has a remedy of appeal.

2. Mr. Vibhute, the learned Counsel submits that the application of the petitioner is rejected by the Sub Divisional Officer on the ground of jurisdiction and not on merits. The real paternal cousin of the petitioner had also filed Writ Petition No. 11949 of 2015 against the similar order passed by the Sub Divisional Officer and this Court under order dated 01.04.2016 directed

the Sub Divisional Officer to decide the proceeding on merits.

3. Considering the order passed in Writ Petition No. 11949 of 2015 in case of real paternal cousin of the petitioner, we follow the same course.

4. The impugned order dated 28.09.2020 passed by respondent no. 2 – The Sub Divisional Officer, Ahmednagar is set aside. He shall decide petitioner's claim for tribe certificate in accordance with Rule 5 (2) (b) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, within three (03) weeks from the date of communication of this order.

5. Writ Petition stands disposed of.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

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