

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

WRIT PETITION NO. 12446 OF 2019

Khan Abdul Farid Abdul Hamid .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Madhur A. Golegaonkar, Advocate for the Petitioner.
Mrs. V. S. Chaudhari, A.G.P. for Respondent Nos. 1 to 3.
The Respondent No. 4 served with notice of final hearing.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.
DATE : 06TH FEBRURY 2020.**

FINAL ORDER :

. Mr. Golegaonkar, the learned counsel for the petitioner assails the letter issued by the respondent No. 2 to the Committee confirming whether the petitioner is in scheduled tribe category and to give the validity certificate in the prescribed format.

2. According to Mr. Golegaonkar, the learned counsel, the claim of the petitioner is validated by the Commissioner in the year 1991. At the relevant time he was competent authority. In view of that, again it is not necessary for the petitioner to get the validity certificate from the committee. The learned counsel relies on the judgment of the Division Bench of this Court at Nagpur in a case of Raju Pundlikrao Burde Vs. Establishment Officer

reported in **2003 (4) Mh.L.J. 780** and another judgment of the Division Bench of this Court at Aurangabad in **Writ Petition No. 7278 of 2005** with another connected writ petition dated **22.08.2017**.

3. We have also heard the learned Assistant Government Pleader for respondents/State. The learned A. G. P. submits that, it was to confirm about the validity granted to the petitioner, letter was issued. It was also to get the validity in proper format, the communication was issued.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. It is not disputed that, at the relevant time Commissioner was competent authority to verify the caste/tribe claim and validate the caste certificate.

6. In the light of that, it would not be again necessary to direct the petitioner to approach the Committee and get validate his tribe certificate or get confirmed his tribe certificate as is observed in the impugned communication. Reference can be had to the judgment of the Division Bench of this Court at Nagpur in a case of **Raju Pundlikrao Burde Vs. Establishment Officer** (supra) and another judgment of the Division Bench of this Court at Aurangabad in Writ Petition No. 7278 of 2005 (supra).

7. In view of the above, the impugned communication is quashed and set aside. The respondents may not refuse to consider the claim of petitioner on the ground on which the impugned letter was issued. The writ petition is disposed of. No costs.

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

bsb/Feb. 20