

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

110 WRIT PETITION NO. 76 OF 2020

**YOGESH VIJAY VISALE
VERSUS
SUB DIVISIONAL OFFICER BHUSAWAL**

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Advocate for Petitioner : Mr. Phatale Sagar S.
AGP for Respondent / Sole : Mr. S. G. Karlekar

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

DATE: 27th FEBRUARY, 2020

PER COURT:

1. Heard, the learned counsel for the petitioner.

2. The petitioner is already issued with the tribe certificate of Thakur, Scheduled Tribe by Sub Divisional Officer, Bhusawal on 11.07.2016. The petitioner applied to the Sub Divisional Officer for getting tribe certificate in proper Form 'C'. While considering the said application, the Sub Divisional Officer rejected the application on merits holding that the petitioner does not belong to Thakur, Scheduled Tribe. The learned counsel submits that such a recourse was not open.

3. We have heard the learned Assistant Government Pleader for the respondent / Sole.

4. Once the tribe certificate is already issued by the Sub Divisional Officer, it was not open for the Sub Divisional Officer to go into the merits of the matter as to whether the petitioner belongs to Thakur, Scheduled Tribe, the said exercise was wholly unwarranted.

5. In light of the above, the impugned order dated 13.12.2019 passed by the Sub Divisional Officer, Bhusawal is quashed and set aside.

6. The petitioner shall surrender the original tribe certificate dated 26.12.2001 issued to him earlier.

7. The Sub Divisional Officer, Bhusawal shall verify the certificate issued by his office on 26.12.2001 to the petitioner and upon verification that the said certificate is issued by his office shall issue the certificate to the petitioner of Thakur, Scheduled Tribe in Form 'C'. The same shall be done preferably within four (04) weeks.

8. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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