

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

7 WRIT PETITION NO.10258 OF 2022

AYUSH SHIVAJI KONERWAR THROUGH THEIR FATHER AS A NATURAL
GUARDIAN SHIVAJI MAHARAJU KONERWAR
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Rajendra Babaji Dhakane.
AGP for Respondent Nos.1 to 3 : Mr. P. S. Patil.
...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 28th November, 2022.

Per Court:

1. By this petition, the petitioner challenges the order passed by the SDO dated 2nd June, 2021 and the order passed by the appellate authority dated 17th June, 2022, by which the authorities have refused to issue a Mannerwarlu Tribe Certificate to the petitioner. The grievance is that age old record is directed to be produced, as if, the SDO or the appellate committee are considering the claim for grant of validity.

2. The petitioner has placed before us a tribe certificate of his father dated 31st May, 1990 and two caste certificates of his cousin brother Mahesh and cousin sister Sunita, both dated 26th July, 2013.

3. The learned AGP submits that though the certificates of Mahesh and Sunita were produced, the tribe certificate of the petitioner's father

was not produced.

4. In view of the above, only on account of the petitioner failing in submitting the tribe certificate of his father, that this petition is allowed and the impugned orders are quashed and set aside. The proceedings initiated by the petitioner प्रकरण क्र. NAN/APP/116/2021 in the proceedings No.673 of 2021, is restored to the file of respondent No.2.

5. The petitioner shall appear before respondent No.2 on 7th December, 2022 at 12:00 noon and produce the scheduled tribe certificate of his father dated 31st May, 1990. Any other documents, which he desires to rely upon, shall be filed alongwith the said document on the same date.

6. We expect the SDO to consider the said certificate and additional documents, if any, and take a decision in the matter on it's own merits, on or before 21st December, 2022. A reasoned order would be passed.

7. We make it clear that we have not expressed any opinion on the merits of the claim of the petitioner.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]