

4. The Committee while passing the impugned order has come to the conclusion that the original place of residence of the Petitioner's family is Arthe, Taluka Shirpur, District Dhule.

5. The father of the Petitioner is issued with the caste certificate by the Tahsildar, Shirpur, the same is referred to in the order of S.D.O., Nashik while issuing the caste certificate. Section 5(2) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of Caste Certificate) Rules 2003, reads thus :

"5. Grant of Scheduled Tribe Certificate to migrated person.-

- (1)
- (2) Migration from one district to another district or from the jurisdiction of one Competent Authority to another within the State:
 - (a) The Competent Authority if satisfied may issue Scheduled Tribe Certificate in Form C to an applicant who has migrated from one district to another district or from the jurisdiction of one Competent Authority to another, within the State, on production of the Scheduled Tribe Certificate issued to his father or grandfather, by the concerned Competent Authority of that district.
 - (b) The Competent Authority shall Scheduled Tribe Certificate in Form C to an applicant of other district from which he had migrated to the present place, on the production of the Scheduled Tribe Certificate issued to his father or grandfather by the then Competent Authority of the district of his father or

grandfather's original at the time of passing of the first Presidential Order dated 6th September 1950 or thereafter, for Scheduled Tribes.

Explanation. For the purpose of this sub-Rule "migrant within the State" means -

(i) the persons who have migrated from one district to another district or from the jurisdiction of one Competent Authority to another within the state or or after the first Presidential Order dated the 6th September, 1950 for Scheduled Tribes and whose parents had been the ordinary residents of Maharashtra State.

(ii) in the case of person born after the first Presidential Order dated 6th September 1950, the place of ordinary residence for the purpose of acquiring Scheduled Tribes status, shall be the place of permanent abode of their father, grandfather at the time of the notification of the Presidential Order for Scheduled Tribes."

6. In view of aforesaid Section, if the caste certificate is issued by the authority at the place of original residence to his father or grandfather and subsequently migration takes place then on the basis of caste certificate issued to the father or the grandfather, the caste certificate can be issued to progeny at the place where the party subsequently resides. The Committee has also considered the said provisions while passing the impugned order, however, did not consider the caste certificate issued to the Petitioner's father by the Tahsildar, Shirpur (District Dhule) who at the relevant time was the competent authority. It appears that the caste certificate issued to

the Petitioner on 9th September, 1991, the same was before the Rules 2003 at that time the Form 'C' was not in vogue.

7. In such circumstances, the same caste certificate has to be verified. Reliance can be had to the order of this Court in Writ Petition No. 1772 of 2012 dated 1st March 2012.

8. In the light of above, the impugned order is quashed and set aside.

9. The Committee shall verify the caste certificate issued to the Petitioner in accordance with law and decide expeditiously.

10. Writ Petition is disposed of. No costs.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)

BHALCHANDRA
GOPAL
DUSANE

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2022.08.12
18:34:54 +0530