

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

10 WRIT PETITION NO.2194 OF 2023

ABHISHEK DAGADU PITALEWAD, THROUGH HIS LEGAL GUARDIAN
DAGADU CHINTAMAN PITALEWAD

VERSUS

THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

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Advocate for Petitioners : Ms. Manisha Digambar Deshmukh.

AGP for Respondent/State : Mr. P. S. Patil.

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

DATE : 27th February, 2023.

Per Court:

1. The petitioner is aggrieved that he has been refused the "Naikda" Scheduled Tribe certificate (Serial No.35) on the ground that there is no evidence that his origin is from village Anji, Post Anji, Tahsil Kinwat, District Nanded.

2. The learned AGP submits, in the light of the Rules applicable, that a person must indicate from his domicile certificate that his ancestors were residing at a particular place since 1950 and the certificate can be issued by the SDO from that area. Unless this is established, a tribe certificate cannot be issued.

3. We find from the record that the petitioner has a certificate of age and domicile dated 6th July, 2017 issued by the Tahsildar Kinwat indicating that he is the resident of post Anji, village Anji, Taluka Kinwat, District Nanded. So also, his paternal grandfather namely Chintaman Sidhu Pitlewad has been granted "Naikda" Scheduled Tribe certificate.

4. In view of the above, this petition is allowed. The impugned orders of the SDO as well as of the committee, are quashed and set aside. The SDO shall issue a "Naikda" Scheduled Tribe certificate to the petitioner within 21 days from today, by following the due procedure laid down in law, including verifying the authenticity of the domicile certificate and the caste certificate of the grandfather of the petitioner.

5. We make it clear that if the petitioner desires to seek a validity certificate, he would have to canvas his case independently and this order shall not create any advantage or equities in his favour and shall not be cited in support of the claim for validation.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]

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