

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

WRIT PETITION NO. 2966 OF 2015

Sheetal D/o Balajirao Dhamansure,
Age : 18, Occu. : Student,
R/o Nideban, Tq. Udgir,
Dist. Latur.

.. Petitioner

Versus

1. The State of Maharashtra,
Tribal Development Department,
Mantralaya, Mumbai – 32,
Through its Secretary,
 2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad,
Through its Member Secretary.
 3. Maharashtra University of Health
Sciences, Vani Road, Mhasrul,
Nashik, through its Registrar.
 4. The SMBT Dental College & Hospital,
And post graduate research center,
Ghulewadi (Amrutnagar) 422 608,
Tal Sangamner, Dist. Ahmednagar,
Through its Principal.
 5. The Sub Divisional Officer, Udgir,
Tq. Udgir, Dist. Latur.
- .. Respondents

Shri Vivek U. Jadhav, Advocate for the Petitioner.
Shri A. A. Jagatkar, A.G.P. for the Respondent Nos. 1, 2 and 5.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

DATE : 13 OCTOBER 2023.

FINAL ORDER :

. Heard both the sides.

2 The petitioner is challenging order of the respondent/Scrutiny Committee, whereby while undertaking the scrutiny of the certificate, the Committee has confiscated and cancelled it on the ground that the applicant was permanent resident of Kudali, Tq. Degloor, Dist. Nanded, but the certificate was issued by the S. D. O. Udgir, Dist. Latur, who was competent to issue it.

3. The learned advocate for the petitioner points out that in accordance with Rule 5(2) of the Maharashtra Scheduled Tribes (Regulation of issuance and verification of certificate) Rules 2003 framed under the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act Act, 2000, which provide for a situation where the people migrate within the State can seek a certificate. He submits that the petitioner's father was possessing the certificate, which was issued by the Competent Authority at Degloor and held to be valid by the respondent/Scheduled tribe Scrutiny Committee at Aurangabad. He would however submit that, irrespective of the

decision of the scrutiny committee, the certificate possessed by the petitioner is not in prescribed Form – C and in order to obviate any further complication he requests that the impugned order be set aside and the competent authority be directed to issue a fresh certificate in the prescribed format so that a fresh scrutiny can be undertaken by the respondent/Scrutiny Committee.

4. The learned Assistant Government Pleader opposes the petition.

5. Admittedly, the petitioner's father possess a certificate of validity. His tribe certificate was issued by the Competent Authority at Degloor, Dist. Nanded, which has been subsequently validated by the respondent No. 2/Scrutiny Committee.

6. In view of Rule 5(2) of the Rules of 2003, if the petitioner has obtained the tribe certificate by approaching the competent authority at Udgir, Dist. Latur, the order of the Scrutiny Committee holding that the Competent Authority at Udgir had no jurisdiction to issue the tribe certificate is wholly unsustainable being running counter to the Rule 5(2) of the Rules of 2003. The order passed is *ex-facie* illegal and liable to be quashed and set aside.

7. The writ petition is allowed. The impugned order is

quashed and set aside. The respondent/Competent Authority/S. D. O. Udgir, Dist. Latur shall issue a fresh tribe certificate to the petitioner in Form – C within a period of two (02) weeks from today. The petitioner shall produce the same before the Scrutiny Committee within a period of four (04) weeks, which shall undertake the validation proceedings in that regard and decide it as expeditiously as possible and within a period of six (06) months from presentation of the original tribe certificate in Form No. - C. The writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Oct. 23