

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

47 WRIT PETITION NO. 7306 OF 2023

SAINATH MALESH BELAYWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND ANOTHER

...
Advocate for Petitioner : Mr. Chinchole Ghanshyam K.
AGP for Respondents : Mrs. M.A. Deshpande
...

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

DATE : 03 JULY 2023

PC :

Heard both the sides.

2. The limited issue before us is as to if the respondent no. 2 – Competent Authority and Sub Divisional Officer, Kinwat, could have refused to grant the petitioner a tribe certificate in the format prescribed by the Central Government, even though, he possess it in the proper format form 'C' under the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003 (for short 'the Rules') framed under Maharashtra Act No. 23 of 2001, and rules framed thereof.

3. It appears that the respondent no. 2 – Competent Authority has proceeded to consider the request *de hors* the provisions of law and has undertaken a fresh scrutiny as if petitioner was moving the application for the first time seeking a tribe certificate.

4. The impugned order is not sustainable in law. If the petitioner is already armed with a tribe certificate in the prescribed form under the Rules, his request to have it in the format prescribed by the Central Government was innocuous and ought to have been readily accepted by the respondent no. 2.

5. We quash and set aside the impugned order and direct the respondent no. 2 to issue the tribe certificate to the petitioner in the prescribed format of the Central Government as expeditiously as possible and in any case within a period of two weeks from today.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

spc/