



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 WRIT PETITION NO. 10339 OF 2024

GAJANAN VILAS PHULBONE

VERSUS

- 1) THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
- 2) THE SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE,
CHHATRAPATI SAMBHAJINAGAR

...

Advocate for the Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondents: Mr. S.R. Yadav-Lonikar

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

DATE : 24.09.2024

PER COURT :

Heard both the sides.

2. The petitioner's proposal was directed to be decided on 09.09.2024. By the impugned order some how the committee has passed the impugned judgment and order on 18.09.2024, and apparently has refused to entertain the claim on the jurisdictional issue. The committee has by referring to the Rule 5 of the Rules of 2003 framed under the Maharashtra Act XXIII of 2001 has observed that the petitioner's native place being Nilanga, the tribe certificate, which he had obtained was from the competent authority at Gangakhed, District Parbhani.

3. The learned A.G.P tenders across the bar an affidavit in reply on behalf of the committee *inter alia* assuring that the matter would be decided afresh if it is remanded back, by 25.09.2024.

4. Obviously, though the petitioner was native of district Latur and had

obtained tribe certificate from the competent authority of Gangakhed, district Parbhani, since he was relying upon the tribe certificate of his father issued by the competent authority from Nilanga, by virtue of Rule 5(2), the committee ought not to have refused to entertain the claim.

5. Be that as it may, the committee appears to have admitted its error in refusing to exercise the jurisdiction.

6. The writ petition is allowed partly.

7. The impugned order is quashed and set aside. The respondent no.2-committee shall decide the petitioner's proposal afresh, as committed by it, by 25.09.2024.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-