IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 WRIT PETITION NO. 2592 OF 2025

Vasant Namdev Harane
VERSUS
The State Of Maharashtra Through Its Secretary And Others
...
Mr. Ganesh Narayan Sonawane, Advocate for the Petitioner.
Mr. S. R. Yadav-Lonikar, AGP for Respondent-State.

CORAM : KISHORE C. SANT &
JITENDRA JAIN, JJ.

DATE : 20th NOVEMBER 2026.

PC :-

1. Heard learned Advocate for the petitioner and learned AGP for Respondent/State.

2. The issue involved in the present writ petition is the rejection of validity claim of the petitioner by the Scheduled Tribe Scrutiny Committee, Dhule. The only ground on which the validity is refused is that the documents on which the petitioner relied upon are from Wagholi, Tal. Mohol, Dist. Solapur. There is no any document produced by the petitioner before the learned Sub-Divisional Officer, Erandol to show that he had migrated to Erandol. Still, the learned SDO, Erandol has issued the certificate.

3. The learned Members of the Committee, therefore, found that the certificate is issued by the Sub-Divisional Officer, Erandol, without having territorial jurisdiction and refused to grant validity. The certificate issued is also confiscated.

4. This Court asked the petitioner as to which documents he produced before the Sub-Divisional Officer, Erandol to show that he had migrated to Erandol. The learned Advocate for the petitioner only submitted that, in view of Rule 5(3), the Competent Authority (SDO) has to follow the same procedure as given in Rule 4, even in respect of a person who has migrated.

5. Rule 5 of the Maharashtra Scheduled Tribe (Regulation of Issuance of Verification of Certificate) Rules, 2003 reads as under:

> *"5. Grant of Scheduled Tribe Certificate to migrated persons*
> *(1) Migration from other States to Maharashtra State-*
> *(a) The Competent Authority, if satisfied, may issue Scheduled Tribe Certificate, in FORM C 1 to an applicant who has migrated to Maharashtra State from any other State or Union Territory, on production of the Scheduled Tribe Certificate issued to his father or grandfather by the concerned Competent Authority of that State.*
> *(b) If the Competent Authority feels that before issuing such a Scheduled Tribe Certificate a detailed enquiry is necessary, he may do so through the applicant's State of origin.*
> *(c) A Scheduled Tribe Certificate holder who has migrated to Maharashtra from the State of his origin for the purpose of seeking education, employment etc., will be deemed to be a Scheduled Tribe of the State of his origin and will be entitled to derive*

benefits from the State of his origin and not from the State of Maharashtra.

Explanation. For the purpose of sub-rule (1), "Migrant from other State"

means-

(i) a person who has migrated to Maharashtra State from any other State/Union Territory on or after the First Presidential Order i.e. 6th September 1950;

(ii) a person whose tribe is scheduled as a Scheduled Tribe in his original State, but not in Maharashtra State and the person whose tribe is scheduled As Scheduled Tribe in Maharashtra State as well as in his original State having his ordinary residence on the date of the notification of Presidential Order scheduling his tribe has been in the State/Union Territory other than Maharashtra would both be treated as migrants.

(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 issue 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 origin at the time of passing of the first Presidential Order dated the 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 on 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 persons 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.*
> *(3) The provisions of sub-rules (9) to (13) of rule 4 shall mutatis mutandis apply in respect of the rejection of application of a migrated person."*

6. It clearly specifies that the Competent Authority needs to be satisfied that the persons who have migrated from one district to another district or from the jurisdiction of one Competent Authority to another within the State on production of a Scheduled Tribe certificate issued to their father or grandfather by the concerned Competent Authority of that district.

7. In the present case, admittedly, not a single document is produced by the petitioner to show that there is migration in the family of petitioner to Erandol. The records of the petitioner himself and other siblings is on record. All these documents show that the petitioner and his forefathers were residents of village Wagholi, Tal. Mohol, Dist. Solapur.

8. Learned Advocate for the petitioner only submits that, before the learned SDO, he had only given the declaration stating that he had

migrated from Wagholi and is residing within the jurisdiction of the learned Sub-Divisional Officer, Erandol. However, except that, there is no any other documentary proof. The school leaving certificate and other school records in respect of petitioner are from Wagholi.

9. The learned AGP from the reply points out that while making an application to the Sub-Divisional Officer, the petitioner had given his address as Bambhori, Tal. Dharangaon, Dist. Jalgaon. However, alongwith the application, the documents which were supplied are from village Wagholi, Tal. Mohol, Dist. Solapur. The petitioner's school leaving certificate also bears the same address. The death certificate of father of petitioner shows the address as Wagholi, Taluka Mohol, District Solapur. The mother's death certificate also shows the address of Wagholi. Aadhar card of the petitioner shows the same address. It is only in the declaration given by the petitioner that he has stated that he is residing at Bambhori Tal. Dharangaon, Dist. Jalgaon and is an agriculturist.

10. The learned AGP thus submits that there is no document to show that the petitioner is even having any agricultural land or property in Erandol. He thus submits that the petition is clearly misconceived. Nothing is shown on record that the reason assigned by the committee is

not correct or is against the record. This Court also finds that the petition is totally misconceived. Nothing is demonstrated before this Court to show that the petitioner was ordinary resident of Bambhori, Tal. Dharangaon Dist. Jalgaon.

11. This Court is of the opinion that the petition deserves to be dismissed with cost. Writ petition stands dismissed with cost of Rs.25,000/-, to be deposited in the office of this Court within a period of six weeks from today.

12. If the amount is not deposited by the petitioner within stipulated period, the learned Collector, Solapur to recover the said amount by way of arrears of land revenue and deposit the said amount in the office of this Court.

13. After the amount is deposited, the same be remitted to the account of Chief Minister's Drought Relief Fund.

14. With these, writ petition stands dismissed.

15. Pending civil applications, if any, also stand disposed off.

[JITENDRA JAIN, J.] [KISHORE C. SANT, J.]

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