

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9425 OF 2015

Shri Vikas S/o. Radhaji Mane,
Age 25 years, Occ. Service,
R/o. Ahmednagar. Tq. And Dist. Ahmednagar.

.. Petitioner.

Versus

- 1] The State of Maharashtra
through the Secretary,
Tribal Development Department,
Mantralaya, Mumbai -32.
- 2] Scheduled Tribe Certificate Scrutiny
Committee, Adiwasi Vikas Bhawan,
Old Agra Road, Nasik
through its Secretary.
- 3] The Sub Divisional Officer,
City Division, Ahmednagar.
- 4] Education Officer,
Zilla Parishad, Ahmednagar.
- 5] Anand Education Society,
Gulmohar Marg, Ahmednagar.
- 6] Head Master,
Anand Education Society (Primary Section).

.. Respondents.

Mr. A.S. Golegaonkar, Advocate for petitioner.
AGP for the respondent Nos.: Mr. S.G. Karlekar,
Advocate for respondent No.2 : Mr. A.B. Tele.

CORAM : R.M. BORDE & A.M. BADAR,JJ.
DATE : 15TH SEPTEMBER,2015.

PER COURT:

1] Heard.

2] Leave to add employer as party respondent.

3] AGP appears for respondent Nos. 1 and 3 and Mr. Tele, Advocate appearing for respondent No.2.

4] The petitioner is aggrieved by the order passed by the Sub Divisional Officer, dated 22nd July, 2015, refusing to issue caste certificate to the petitioner in the prescribed proforma. The petitioner had earlier secured a certificate to the effect that he belongs to Mahadeo Koli Scheduled Tribe and the said certificate was forwarded to the Scrutiny Committee for verification. The Scrutiny Committee, by order dated 18th March, 2015, directed cancellation of certificate on the ground that there is no mention of Mahadeo Koli in the constitutional order, whereas, the correct description of tribe is Koli Mahadeo. Petitioner has been granted liberty to secure fresh caste certificate from the Sub Divisional Officer and submit the same for verification.

5] This Court, while dealing with challenge to the identical orders, directing confiscation and cancellation of caste certificate issued by the Scrutiny Committee, In W.P. No. 7458 of 2015 issued certain directions. In our view, the instant petition also deserves to be disposed of by issuing identical directions, as have been issued by the Division Bench vide its order dated 27th July, 2015.

6] Hence, the following order :-

[a] The petitioner may approach the concerned Scrutiny Committee for issuance of photostat copy of the caste/tribe certificate produced by him for verification, within

a period of six weeks from today. The Scrutiny Committee, on receipt of such application, issue attested/authenticated copy of the caste/tribe certificate produced by the petitioner for verification to the Committee, within one week from the date of receipt of such application.

[b] The petitioner on receipt of photostat copy of the caste/tribe certificate shall approach the concerned Sub Divisional Officer/competent authority with an application for issuance of caste/tribe certificate within a period of four weeks thereafter.

[c] The concerned SDO/competent authority shall issue caste/tribe certificate in the prescribed proforma certifying that the petitioner belongs to *Koli Mahadeo* Scheduled Tribe without embarking upon further enquiry into the matter within a period of two weeks from the date of receipt of such request from the petitioner.

[d] On receipt of the tribe certificate, the petitioner shall approach the Scrutiny Committee with a proposal in prescribed proforma with a request for verification of his tribe certificate and for issuance of validity certificate within six weeks from the date of receipt of the tribe certificate from the competent authority/SDO.

[e] On receipt of such proposal from the petitioner, the Scrutiny Committee shall proceed to verify the tribe certificate and shall take decision by observing all the procedure prescribed under the Act and the Rules in that behalf, as expeditiously as possible, and preferably within one year from the date of receipt of the proposal from the petitioner.

[f] Until decision on the proposal in respect of verification of the caste/tribe certificate, which the petitioner may present to the concerned Scrutiny Committee, the employer shall not take any adverse action against the petitioner.

7] With the directions as aforesaid, writ petition is disposed of.

[A.M. BADAR, J]

[R.M. BORDE, J]

grt/-