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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 156 OF 2015

Laxman Ramrao Toradmal

PETITIONER

VERSUS

Scheduled Tribe Certificate Scrutiny
Committee & Ors,

RESPONDENTS

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Mr. S. S. Phatale, Advocate for the petitioner
Mr. S. B. Pulkundwar, AGP for respondent State
Mr. K. D. Bade Patil, Advocate for respondent No.1

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[CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, J.J.]

DATE : 8th JANUARY, 2015

PER COURT:

1. Heard.
2. The issue involved in present writ petition is no longer *res integra* and is decided by this Court vide order dated 14th August, 2014 in writ petition No. 4536 of 2014 and other connected writ petitions.
3. In view of above, we also follow the same course.
4. The view taken by the scrutiny committee deserves to be upheld. However, in the facts and circumstances, we proceed to

issue certain directions in addition to the directions issued by the Scrutiny Committee, which are as follows.

a) The petitioner, in this petition, may approach the concerned scrutiny committee for issuance of photo-stat copy of the tribe certificate produced by him for verification, within a period of four months from today. The scrutiny committee, on receipt of such applications, issue attested / authenticated copy of the tribe certificate produced by the petitioner for verification to the committee.

b) The petitioner, on receipt of photo-stat copy of the tribe certificate, shall approach the concerned Sub-Divisional Officer / competent authority within an application for issuance of tribe certificate within a period of six weeks thereafter.

c) In the event earlier certificate had been issued by the Executive Magistrate, it would be open for the petitioner to tender an application to the Sub Divisional Officer of the concerned division and such office shall entertain the application and shall issue tribe certificate in the prescribed proforma on verifying attested/authenticated photo-stat copy of the earlier caste certificate.

d) The concerned Sub Divisional Officer / Competent Authority, on receipt of the applications by respective

petitioners, together with attested / authenticated photo-stat copy of the tribe certificate issued earlier, shall proceed to issue tribe certificate in prescribed proforma certifying that the petitioner belong to "Koli Mahadev", scheduled tribe. The Sub Divisional Officer / Competent Authority shall issue certificate within a period of four weeks from the date of receipt of the applications.

e) On receipt of tribe certificate, the petitioner shall approach the concerned scrutiny committee with a proposal in prescribed proforma requesting the Scrutiny Committee to verify the tribe certificate and consider his application for issuance of validity certificate. The petitioner shall approach the Scrutiny Committee within a period of eight weeks from the date of receipt of the caste certificate from the competent authority.

f) On receipt of the proposal from the petitioner, the scrutiny committee shall proceed to verify the tribe certificate and take appropriate decision after following procedure prescribed under law in respect of issuance of validity certificate, as expeditiously as possible, preferably within a period of one year from the date of receipt of proposal / application.

g) The scrutiny committee shall accept the proposal directly and shall not refuse to accept the proposal on the ground that the same have not been routed through proper channel, either employer or educational institutions.

h) The educational institution / college or the employer shall not taken any adverse action against the petitioner on the ground of his failure to produce validity certificate and further appropriate action can be taken only subject to result of verification claim, which would be lodged before the scrutiny committee, in accordance with the directions issued in this judgment.

5. Writ petition stands disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]