FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.940 OF 2015
WITH
WRIT PETITION NO.965 OF 2015
WRIT PETITION NO.970 OF 2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr.S.J.Salgare, advocate holding for Mr.S.S.Phatale, advocate for the petitioners.
Mr.K.J.Ghute Patil, Asstt.Govt. Pleader for the State.
Mr.K.D.Bade Patil, advocate for Respondent No.1.

CORAM : S.V.GANGAPURWALA & V.L.ACHLIYA,JJ.
Date : 27.01.2015.

PER COURT :

1. Heard.

2. The issue involved in the present Writ Petitions is no longer res-integra and is decided by this Court vide order dated 14.8.2014 in W.P.No.4536/2014 and other connected Writ Petitions.

3. In view of the 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 as follows.

a) The petitioners, in these petitions, may approach the concerned Scrutiny Committee for issuance of photostat copy of the caste/tribe certificate produced by them for verification, within a period of four months from today. The Scrutiny Committee, on receipt of such applications, issue attested/authenticated copy of the caste/tribe certificate produced by respective petitioners for verification to the Committee.

b) The respective petitioners, 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 six weeks, thereafter.

c) In the event earlier caste certificates had been issued by the Executive Magistrates, it would be open for the petitioners to tender an application to the Sub-Divisional Officer of the concerned Division and such officer shall entertain the application and shall issue caste certificate/s in the prescribed proforma on verifying attested/authenticated photostat 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 photostat copy of the caste/tribe certificate issued earlier, shall proceed to issue caste/tribe certificate in prescribed proforma certifying that respective petitioners belong

to 'Koli Mahadev', Scheduled Tribe. The Sub Divisional Officers/Competent Authority shall issue certificate within a period of four weeks from the date of receipt of the applications.

e) On receipt of Tribe certificates, respective petitioners, shall approach the concerned Scrutiny Committees with a proposal in prescribed proforma requesting the Scrutiny Committees to verify the Tribe Certificate and consider their applications for issuance of validity certificates. The respective petitioners 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 respective petitioners, the Scrutiny Committee shall proceed to verify the caste/tribe certificate and take appropriate decision after following procedure prescribed under law in respect of issuance of validity certificates, as expeditiously as possible, preferably within a period of one year from the date of receipt of the proposal/application.

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

h) The employers shall not take any adverse action against any of the petitioners only on the ground of their 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. The Writ Petitions are disposed of. No costs.

(V.L.ACHLIYA,J.) **(S.V.GANGAPURWALA,J.)**

Dt..27.01.2015.
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