

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 764 OF 2015

Chandrakant S/o Ashruba Sude
Age 24 years, Occ-Service
R/o Bhogalwadi, Tq. Dharur
Dist.Beed

.. PETITIONER

Versus

- 1] The State of Maharashtra
Through Secretary to
Tribal Development Department
Mantralaya, Mumbai
 - 2] The Schedule Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director [R]
Aurangabad.
 - 3] The Sub Divisional Officer,
Ambajogai, Dist.Beed.
 - 4] The Commissioner
Brihanmumbai Municipal Corporation
Mumbai.
 - 5] The Chief Security Officer
Brihanmumbai Municipal Corporation
Mumbai.
- .. RESPONDENTS

...
Mr.S.M.Vibhute,Adv. For petitioner
Mr.A.S.Shinde,AGP for respondent State
Mr.P.S.Patil,Adv. For respondent no.2.
...

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 21st January, 2015.**

PER COURT :

The issue involved in the present matters is no longer res integra in view of the judgment of Division Bench of this Court in Writ Petition No.4536 of 2014 and other connected matters dated 14th August, 2014. We also adopt the same course.

2 In view of the above, we also follow the same course of action:

- (a) The petitioner, in this petition, 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 four months from today. The Scrutiny Committee, on receipt of such application, issue attested/authenticated copy of the caste/tribe certificate produced by petitioner for verification to the Committee.
- (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 six weeks, thereafter.

- (c) In the event earlier caste 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 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 application by petitioner, 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 the petitioner belongs 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 application.
- (e) On receipt of Tribe certificate, 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 petitioner, 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 certificate, 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 proposal directly and shall not refuse to accept the proposal on the ground that same has not been routed through proper channel i.e. employer.
- (h) The employer shall not take any adverse action against the petitioner only 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.

3. The writ petition stands disposed of accordingly. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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