

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 823 OF 2015

Shalik Vamanrao Jagdale

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Arun H. Koralkar, Advocate for the Petitioner.

Shri P. N. Mule, A.G.P. for the Respondent No. 1.

Shri K. D. Bade Patil, Advocate for the Respondent No. 2.

Shri Rupesh Bora, Advocate h/f Shri A. B. Girase, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 16TH APRIL, 2015.

PER COURT :

. The tribe certificate of the petitioner is cancelled and confiscated only on the ground that it is issued as "Mahadev Koli" instead of "Koli Mahadev".

2. The Division Bench of this Court had considered the said aspect. We also follow the same course and pass the following order.

O R D E R

A) The petitioner, may approach the concerned Scrutiny

Committees 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 the 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 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 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 application.

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 (8) 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 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, either employer or educational institutions.

H) The education institution/college or 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 order.

I] Considering all the aforesaid aspects of the matter, the impugned order of termination of the petitioner is quashed and set aside. The respondent No. 3 shall reinstate the petitioner on his original post on which he was working at the time of issuance of termination order with continuity of service. The same would be subject to the decision that would be rendered by the scrutiny committee in the validation proceedings. However, the petitioner would not be entitled to any back wages from the date of termination till this date.

J) The writ petition is disposed of. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]