

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

WRIT PETITION NO. 10305 OF 2015

Raju @ Rajendra Damodhar Lawande
age 45 years, occ. Service
r/o Police Colony, Rahuri
Tq. Rahuri, Dist. Ahmednagar.

... PETITIONER

VERSUS

1. The State of Maharashtra
Tribal Development Department,
Through its Secretary,
Mantralaya, Mumbai 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Nashik
Through its Deputy Director / Member.
3. The Sub-Divisional Officer,
Nagar Division, Ahmednagar.
4. The Superintendent of Police
Ahmednagar, Tq. & Dist. Ahmednagar.

... RESPONDENTS

Mr. P.V. Jadhavar, advocate for petitioner.
Mr. S.N. Kendre, AGP for the State.
Mr. P.S. Patil, advocate for respondent no. 2.

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**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 14th October, 2015

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.

2. Rule. Rule made returnable forthwith. With the consent of the

parties, petition is taken up for final disposal at admission stage.

3. Petitioner is assailing order passed by the Sub-Divisional Officer refusing to issue caste certificate in favour of petitioner certifying that he belongs to Koli Mahadev Scheduled Tribe.

4. It is not a matter of dispute that petitioner was possessed of certificate issued by competent authority certifying that he belongs Mahadev Koli Scheduled Tribe, which was referred for verification to the Scrutiny Committee. The Scrutiny Committee, however, by order dated 10.03.2015, directed cancellation of caste certificate merely on the ground that the tribe mentioned in the certificate is Mahadev Koli which is not in consonance with the constitutional list of tribes which records the entry in respect of tribe as Koli Mahadev. An opportunity was granted to the petitioner to obtain proper certificate from the competent authority and submit the same for verification to the Scrutiny Committee. Petitioner accordingly approached the Sub-Divisional Officer and tendered application for issuance of tribe certificate. Petitioner also produced attested copy of the certificate which was earlier produced by him for verification to the Scrutiny Committee. Infact, it was incumbent upon the sub-Divisional Officer to issue tribe certificate as requested by petitioner, in view of judgment of this Court in Writ Petition no. 4536/2014 and other companion petitions. Order passed by the Sub-Divisional Officer refusing to issue tribe certificate as requested by

petitioner is unsustainable and deserves to be quashed and set aside and, the same is accordingly quashed and set aside.

5. The Sub-Divisional Officer is directed to issue tribe certificate as requested by the petitioner in prescribed proforma as expeditiously as possible, preferably within a period of four weeks from today without embarking upon any further enquiry in the matter. Respondent no. 4 is directed not to take any coercive action against petitioner on the ground of his failure to submit validation certificate. It would be open for the petitioner to approach the Scrutiny Committee with the certificate that would be issued by the Sub-Divisional Officer, requesting for its verification. The Scrutiny Committee shall, on receipt of proposal from petitioner, which he is expected to tender within a period of eight weeks from today, proceed to verify the same in observance of the procedure prescribed in the relevant regulations and after extending an opportunity of hearing to petitioner and, shall render decision in the matter as expeditiously as possible, preferably within a period of eight months from the date of receipt of the proposal from the petitioner. Rule is accordingly made absolute. In the facts of the case, there shall be no order as to costs.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

dyb