

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7035 OF 2015

JYOTI MAROTRAO MEGHMALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Sunil M. Vibhute
AGP for respondent Nos. 1 and 3: Mr. S.K. Kadam
Advocate for respondent No.2 : Mr. P.S. Patil

CORAM : A.V. NIRGUDE & A.M. BADAR, JJ.
DATE : 14th JULY, 2015.

PER COURT:

1] Heard.

2] Rule. Rule made returnable forthwith. Respective parties waive notice. By consent of parties, petition is taken up for final hearing.

3] We dispose of the Writ petition in terms of the following order :-

In this matter, the Tribe Certificate Scrutiny Committee has confiscated the tribe certificates of the petitioner on the ground that the said certificate was issued in the tribe name 'Mahadeo Koli' and as per the Presidential order there is no tribe named 'Mahadeo Koli' and the tribe is simply recognized as 'Koli Mahadeo'.

4] The Division Bench of this Court vide judgment and order dated 14th August, 2014 in Writ Petition No. 4536 of 2014 with other connected writ petitions has considered the said aspect and has disposed of the writ petitions by giving certain directions. There is no reason for us to follow the

different recourse.

5] For the reasons given in the judgment dated 14th August, 2014 in Writ Petition No. 4536 of 2014 with other connected writ petitions, we also pass the same order.

O R D E R

A] The petitioner, in this petition, 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 the 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 petitioner 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 application.

E] On receipt of Tribe Certificate, petitioner shall approach the concerned Scrutiny Committees with a proposal in prescribed proforma requesting the Scrutiny Committees 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 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 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 respective education institutions/colleges or the employers 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] Rule made absolute in above terms. No costs.

[A.M. BADAR]
JUDGE

[A.V. NIRGUDE]
JUDGE.

grt/-