

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7864 OF 2015

KONDIBA MADHAVRAO NAGARWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioner : Mr. Vivek U. Jadhav
Additional G.P. for respondent Nos. 1, 3 and 4 : Mr. K. G. Patil
Advocate for respondent No. 2 : Mr. K. D. Bade Patil

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 1st AUGUST, 2015

P.C. :-

1. The issue involved in the present matter is no longer res integra in view of the judgment of Division Bench of this Court in other connected matters dated 14th August, 2014. We also adopt the same course. In the light of that, we pass the following order:

- (a) The petitioner, in this petition, may approach the 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 the petitioner for verification to the Committee.

- (b) The petitioner, on receipt of photostat copy of the caste/tribe certificate, shall approach the 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 and the Sub Divisional 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 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 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 certificates. 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 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 institution.
- (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 judgment.

2. The writ petition stand disposed of accordingly. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)