

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

17 WRIT PETITION NO.10245 OF 2015

RAJESH S/O VITHOBA KAJJEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Vibhute Sunil M.
Mr. DR Kale, AGP for Respondents: 1, 3 & 4;
Mr. KD Bade-Patil, Adv. For Resp.No.2.

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

DATE : 12th October, 2015.

PER COURT :

1) Heard. The petitioner is objecting the order dated 30th April, 2014 passed by Respondent No.2-Committee, cancelling and confiscating the tribe certificate issued by it in favour of the petitioner and directing the petitioner to secure proper certificate and furnish the same for verification.

2) The issue involved in this matter is no more *res integra* in view of the order passed by this court in Writ Petition No.4536 of 2014 and other connected writ petitions. Therefore, this petition can also be disposed of by issuing the following directions, -

a) The petitioner may approach the concerned Scrutiny Committee for issuance of photostat copy of the caste/tribe certificate produced by her for verification within a period of four weeks from today. On receipt of such application from the petitioner, the concerned Scrutiny committee shall issue attested/ authenticated copy of the tribe certificate produced by him for verification to the Committee;

(b) The petitioner, on receipt of the photostat/certified copy of the 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) On receipt of the application, the concerned Sub Divisional officer or the Competent Authority shall issue Caste/tribe certificate in the prescribed format, certifying that the petitioner belongs to "Koli Mahadev" scheduled tribe, within a period of eight weeks from the date of receipt of the application;

(d) On receipt of the Tribe Certificate in the prescribed format, it would be open for the

petitioner to tender the said tribe certificate to the concerned Scrutiny Committee for verification within further period of eight weeks and on receipt of the proposal directly from the petitioner, the committee shall proceed to undertake exercise of verification thereof and shall decide the matter, as expeditiously as possible and preferably within one year from the date of receipt of the proposal.

3) Respondent No.4 – Education officer (Secondary), Zilla Parishad, Nanded is directed to release monthly salary of the petitioner and shall not withhold the same on the ground of failure on the part of the petitioner to produce validation certificate during pendency and final disposal of the tribe claim of the petitioner before Respondent No.2-Committee.

4) With the directions, as above, the writ petition is disposed of.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/