

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

WRIT PETITION NO.11411 OF 2015

Rani d/o Chaganrao Potraje  
Age 30 years, Occ. Service,  
R/o Sangram Nagar, Bus Stand Road,  
Jalna, District Jalna ... PETITIONER

**VERSUS**

1. Scheduled Tribe Certificate  
Scrutiny Committee, Aurangabad,  
through its Member Secretary.
2. Sub-Divisional Officer,  
Jalna, Tq. and Dist. Jalna

(Copies of respondents No.1 & 2  
to be served through Government  
Pleader, Bombay High Court,  
Bench at Aurangabad) ... RESPONDENTS

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Shri S.S. Phatale, Advocate for petitioner  
Shri K.D. Bade Patil, Advocate for respondent No.1  
Shri C.V. Dharurkar, A.G.P. for respondent No.2.

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CORAM: R.M. BORDE &  
A.I.S. CHEEMA, JJ.

DATED: 23rd November, 2015.

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

1. Heard. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, the petition is taken up for final disposal at the stage of admission.

2. The petitioner was in receipt of a tribe certificate issued by the Executive Magistrate, Jalna, certifying that she belongs to Mahadev Koli - Scheduled Tribe. The certificate was produced for verification to the Scrutiny Committee, at Aurangabad. However, the Scrutiny Committee has directed invalidation and confiscation of the caste certificate issued in favour of the petitioner only on the ground that the caste/ tribe mentioned in the certificate is Mahadev Koli

and not Koli Mahadev as appearing in the Constitutional order. The petitioner has been directed by the Scrutiny Committee to secure proper certificate and present the same for verification.

3. In view of the judgment delivered by this Court in identical circumstances in Writ Petition No.4536/2004, this petition can also be disposed of by issuing identical directions. The petitioner shall approach the Scrutiny Committee with a request to issue a certified copy/ photostat copy of the tribe certificate produced by her for verification to the Scrutiny Committee within a period of three weeks from today. On receipt of the application of the petitioner, the Scrutiny Committee shall issue certified copy or photostat copy of the caste/ tribe certificate produced by her for verification to the Scrutiny Committee within a period of two weeks from the date of receipt of the application.

4. On receipt of the certified copy/ photostat copy of

the tribe certificate, the petitioner shall approach the Sub-Divisional Officer, Jalna with a request to issue her tribe certificate certifying that she belongs to Koli Mahadev - Scheduled Tribe. On receipt of the application together with certified copy/ photostat copy of the tribe certificate issued to the petitioner earlier by the Executive Magistrate, Jalna, the Sub-Divisional Officer, without embarking upon any further enquiry into the matter, shall issue a tribe certificate to the petitioner in the prescribed proforma within four weeks from the date on receipt of the application.

5. On receipt of the tribe certificate from the Sub-Divisional Officer, Jalna, the petitioner shall produce the same for verification to the Scrutiny Committee within a period of eight weeks from the date of receipt along with a proposal in the prescribed proforma. On receipt of the proposal from the petitioner seeking verification of the tribe certificate, the Scrutiny Committee shall, after following the procedure prescribed under law, decide the validation claim as expeditiously as possible, preferably within a period of

one year from the date of receipt of the proposal.

6. With the directions as above, the Writ Petition stands disposed of. Rule made absolute.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)