

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1559 OF 2016

Ashok Maroti Kamble
Age: 52 years, occu: service,
R/o Mahakala, Tq. Ambad,
Dist. Jalna

Petitioner

Versus

- 1 The State of Maharashtra
Tribal Development Department,
through: Its Secretary,
Mantralaya, Mumbai 32
- 2 The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through: Its Deputy Director/Member
- 3 The Executive Magistrate/Tahsildar,
Ambad, Tq. Ambad, Dist. Jalna
- 4 The Sub Divisional Officer,
Ambad, Tq. Ambad, Dist. Jalna
- 5 The Taluka Agriculture Officer,
Shevgaon, Tq. Shevgaon
Dist. Ahmednagar

Respondents

Mr.P.V. Jadhavar advocate for the petitioner
Mr.S.S. Dande, Assistant Government Pleader for Respondents

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

Date : 8th FEBRUARY, 2016.

ORAL JUDGMENT

(Per: R.M. Borde, J)

- 1 Heard.

2 Rule. With the consent of the parties, petition is taken for final decision at admission stage.

3 The petitioner is objecting to the order passed by the scrutiny committee, directing invalidation and confiscation of the caste certificate issued to him, on the ground that it does not bear the surname of the petitioner.

4 During the earlier round of litigation, the scrutiny committee had proceeded to take adverse decision in the matter, in the absence of the petitioner and as such, he was required to approach this Court by presenting Writ Petition No.1010 of 2015, which came to be allowed by the division bench on 20.1.2015 and the scrutiny committee was directed to consider the claim of the petitioner, after extending opportunity of hearing to him.

5 It was open for the respondents and the scrutiny committee to point out during earlier round that, the caste certificate does not bear the surname of the petitioner and as such, he could have been directed to secure a proper certificate from the Sub Divisional Officer. However, the petitioner, after completing one round of litigation, is made aware of the deficiency and is asked to submit a proper certificate. It was also open for the scrutiny committee to call for the original record from the Sub Divisional

Officer's office or to secure his report in regard to genuineness of the certificate. However, the scrutiny committee thought it fit to reject the claim and compel the petitioner to approach this Court once again.

6 In the facts of the case, we direct the scrutiny committee to issue a Photostat/certified copy of the caste certificate produced by the petitioner for verification, within a period of one month from today. The petitioner, on receipt of Photostat/authenticated copy of the caste certificate, shall approach the concerned Sub-Divisional Officer/competent authority, with an application for issuance of tribe certificate, within a period of six weeks from the date of receipt of such Photostat/authenticated copy of the tribe certificate.

The concerned Sub-Divisional Officer / competent authority, on receipt of the application of the petitioner together with attested/authenticated copy of the caste/tribe certificate issued earlier, shall proceed to issue caste/tribe certificate in the prescribed proforma recording the complete name of the petitioner including surname, within a period of four weeks from the date of receipt of the application, without entering into further inquiry into the matter.

On receipt of tribe certificate, the petitioner shall present

the same for verification to the competent Scrutiny Committee with a proposal in prescribed proforma requesting the Scrutiny Committee to verify the tribe certificate, within a period of six weeks from the date of receipt of the caste /tribe certificate.

The Scrutiny Committee, on receipt of the proposal from petitioner, shall proceed to inquire into the matter and complete the verification / scrutiny of the tribe certificate and issue final order, as expeditiously as possible and preferably within a period of eight months from the date of receipt of the proposal.

Until final disposal and subject to the decision of the tribe claim by the Scrutiny Committee which would be preferred by the petitioner as per the time scheduled prescribed above, the respondent – employer shall not take any coercive action against the petitioner.

7 Rule made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

(A.I.S. CHEEMA, J)

(R.M.BORDE, J)