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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5551/2016

Jayshree d/o Sambhaji Nirde,
age 22 yrs., occu.service,
r/o Kacharwadi Tq.Dharur Dist.Beed.
...Petitioner..

Versus

- 1] The State of Maharashtra,
through Secretary to Tribal
Development Department,
Mantralaya, Mumbai.
- 2] The Schedule Tribe Certificate
Verification Committee, Aurangabad.
Through its Deputy Director [R],
Aurangabad.
- 3] The Sub Divisional Officer,
Ambajogai Dist.Beed.
- 4] The Deputy Conservator of Forest,
Thane Forest Division, Marothon Circle,
Lal Bahaddur Shashtri Marg, Noupada,
Thane Dist.Thane.
- 5] The Sub Divisional Forest Officer,
Mandvi Tq.Wasai Dist.Palghar.
...Respondents...

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Shri Sunil M. Vibhute, Advocate for petitioner.
Shri P.S. Patil, AGP for respondent nos.1 to 5.

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**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 24.06.2016

ORAL JUDGMENT (Per Borde, J.) :

1] Heard learned counsel for the parties. Rule. Rule made returnable forthwith and with the consent of learned counsel for the parties, the petition is taken up for final disposal.

2] The tribe validation claim of the petitionenr has been turned down by the scrutiny committee on the ground that name of tribe mentioned on the certificate is not in accordance with the entry recorded in the Presidential Order. The entry of the tribe recorded in the Presidential Order is Koli Mahadev whereas the caste certificate issued to the petitioner records the entry as Mahadev Koli.

3] The Division Bench of this Court vide order dated 14.8.2014 in Writ Petition No.4536/2014 & other connected writ petitions has considered this aspect and has disposed of the petitions by giving certain directions. In view of the order passed by the Division Bench in the aforesaid writ petitions, this writ petition stands disposed of with following directions:-

A] The petitioner may approach the concerned Scrutiny Committee for issuance of photostat copy

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of the tribe certificate produced by her for verification, within a period of four months from today. The Scrutiny Committee, on receipt of such application, issue attested/authenticated copy of the tribe certificate produced by petitioner for verification to the Committee.

B] The petitioner, on receipt of photostat copy of the tribe certificate, shall approach the concerned Sub Divisional Officer/competent authority with an application for issuance of tribe certificate within a period of six weeks, thereafter.

C] The concerned Sub Divisional Officer/Competent Authority, on receipt of the application by petitioner, together with attested/authenticated photostat copy of the tribe certificate issued earlier, shall proceed to issue tribe certificate in prescribed proforma certifying that petitioner belongs to 'Koli Mahadev' (Scheduled Tribe). The Sub Divisional Officers/Competent Authority shall issue certificate within a period of four weeks from

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the date of receipt of the application.

D] On receipt of Tribe certificate, petitioner, shall approach the concerned Scrutiny Committee with a proposal in prescribed proforma requesting the Scrutiny Committee to verify the Tribe Certificate and consider her 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 tribe certificate from the competent authority.

E] On receipt of the proposal from petitioner, the Scrutiny Committee shall proceed to verify the tribe certificate and take appropriate decision after following procedure prescribed under law in respect of issuance of validity certificate, as expeditiously as possible, preferably within a period of one year from the date of receipt of the proposal/application.

F] The Scrutiny Committee shall accept the proposal directly and shall not refuse to accept the proposal on the ground that same has not been

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routed through proper channel, either employer or educational institution.

G] The employer shall not take any adverse action against the petitioner only on the ground of her 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.

H) The writ petition is disposed of. Rule is made absolute accordingly. There shall be no order as to costs.

(K.L. WADANE, J.)

(R.M. BORDE, J.)