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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8150 OF 2016

Vasudev S/o Ashruba Mantre
...Petitioner...

Versus

The State of Maharashtra and Others
...Respondents...

....

Shri.S.M. Vibhute, Advocate for the petitioner.
Shri.A.R. Kale, AGP for respondents.

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WITH

WRIT PETITION NO.5645 OF 2016

Maroti S/o Narayan Boinwad
...Petitioner...

Versus

The State of Maharashtra and others
...Respondents...

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Shri.S.M. Vibhute, Advocate for the petitioner.
Shri.A.R. Kale, AGP for respondent Nos. 1 to 3.
Respondent Nos. 4 and 5 served.

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WITH

WRIT PETITION NO.5646 OF 2016

Kapil S/o Ramchandra Walkale
...Petitioner...

Versus

The State of Maharashtra and others
...Respondents...

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Shri.S.M. Vibhute, Advocate for the petitioner.
Shri.A.R. Kale, AGP for respondents nos. 1 to 3.
Respondent no.4 served.
Shri S.B. Pulkundwar, Advocate for respondent no.5.

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WITH
WRIT PETITION NO.8151 OF 2016

Swapnil S/o Shankarrao Meghmale
...Petitioner...

Versus

The State of Maharashtra and others
...Respondents...

....

Shri.S.M. Vibhute, Advocate for the petitioner.
Shri.A.R. Kale, AGP for respondents.

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WITH
WRIT PETITION NO.8152 OF 2016

Hemant S/o Hanmantrao Patait
...Petitioner...

Versus

The State of Maharashtra and others
...Respondents...

....

Shri.S.M. Vibhute, Advocate for the petitioner.
Shri.A.R. Kale, AGP for respondents.

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WITH
WRIT PETITION NO.8153 OF 2016

Mahadev S/o Ganpati Warkale
...Petitioner...

Versus

The State of Maharashtra and others
...Respondents...

....

Shri.S.M. Vibhute, Advocate for the petitioner.
Shri.A.R. Kale, AGP for respondents.

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WITH
WRIT PETITION NO.8154 OF 2016

Balaji S/o Linguram Dubbalwar
...Petitioner...

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Versus

The State of Maharashtra and others
...Respondents...

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Shri.S.M. Vibhute, Advocate for the petitioner.
Shri.A.R. Kale, AGP for respondents.

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WITH

WRIT PETITION NO.8155 OF 2016

Keshav S/o Dnyanoba Nirde
...Petitioner...

Versus

The State of Maharashtra and others
...Respondents...

....

Shri.S.M. Vibhute, Advocate for the petitioner.
Shri.A.R. Kale, AGP for respondents.

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WITH

WRIT PETITION NO.8156 OF 2016

Kiran S/o Sambhaji Nirde
...Petitioner...

Versus

The State of Maharashtra and others
...Respondents...

.....

Shri.S.M. Vibhute, Advocate for the petitioner.
Shri.A.R. Kale, AGP for respondents.

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

DATE: 01.08.2016

ORDER :

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1] The petitioners claim to belong to Koli Mahadev – scheduled tribe. The tribe certificates received by the respective petitioners were forwarded to the scrutiny committee for verification and the scrutiny committee has directed invalidation of the tribe certificates merely on the ground that the certificates produced by the petitioners do not describe the relevant tribe in conformity with the relevant entry No.29 of the Schedule Caste and Scheduled Tribes Order, 1950 and Amendment Act of 1976. The petitioners have been given liberty to secure proper certificates from the competent authority and produce the same for verification to the committee.

2] The issue raised in the instant petitions is no more *res integra* in view of the judgment delivered by this Court in Writ Petition No.4536/2014 and other companion matters decided on 14.8.2014. For the reasons recorded in the said judgment, the view taken by the scrutiny committee deserves to be upheld. However, in the facts and circumstances of these petitions, we proceed to issue following directions in addition to the directions issued by the scrutiny committee.

(a) The petitioners, in these petitions, may

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approach the concerned Scrutiny Committees for issuance of photostat copy of the tribe certificate produced by them for verification, within a period of four months from today. The Scrutiny Committee, on receipt of such applications, issue attested/authenticated copy of the tribe certificate produced by respective petitioners for verification to the Committee.

(b) Respective petitioners, 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) In the event earlier tribe certificates had been issued by the Executive Magistrates, it would be open for the petitioners to tender an application to the Sub Divisional Officer of the concerned Division and such officer shall entertain the application and shall issue tribe certificate/s in the prescribed proforma on verifying attested/authenticated photostat copy

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of the earlier tribe certificate.

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

(e) On receipt of Tribe certificates, respective petitioners, shall approach the concerned Scrutiny Committees with a proposal in prescribed proforma requesting the Scrutiny Committees to verify the Tribe Certificate and consider their applications for issuance of validity certificates. The respective petitioners shall approach the Scrutiny Committee within a period of eight weeks from the date of receipt of the tribe certificate from the competent authority.

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(f) On receipt of the proposal from respective petitioners, 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 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 proposals directly and shall not refuse to accept the proposals on the ground that same have not been routed through proper channel, either employer or educational institutions.

(h) The respective education institutions/colleges or the employers shall not take any adverse action against any of the petitioners only on the ground of their 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

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accordance with the directions issued in this order.

3] All the writ petitions stand disposed of in view of the directions as above. Rule made absolute in aforesaid terms. There shall be no order as to costs.

(K.L. WADANE, J.)

(R.M. BORDE, J.)