

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9598 OF 2016

Ashok S/o Janardhan Daunde

Petitioner

Versus

Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
and others

Respondents

WITH

WRIT PETITION NO.9599 OF 2016

Vasudav S/o Arjun Mantre

Petitioner

Versus

Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
and others

Respondents

Mr S.S. Phatale advocate for the petitioners

Mr. A.B. Girase GP for Respondent No.1 to 3

CORAM : R.M. BORDE &
K.K. SONAWANE, JJ

(Date : 15th September, 2016.)

ORAL ORDER

1 Heard.

2 Petitioners claim to be belonging to 'Koli Mahadev',
scheduled tribe and are in receipt of tribe certificates issued by
the competent authority containing certification accordingly. Tribe

certificates issued in favour of the petitioners were referred to the Scrutiny Committee for verification, however, Scrutiny Committee turned down the proposals on the ground that description of caste in the tribe certificates is incorrectly recorded as 'Mahadev Koli' and not as 'Koli Mahadev' and, petitioners have been given liberty to secure proper certificate and submit the same for verification once again .

3 The issue raised in the instant petitions is no more *res-integra* in view of decision rendered by this Court in Writ Petition No.4536/2014 and other companion petitions. In view of decision in aforesaid writ petitions, decision of the Scrutiny Committee is upheld. Petitioners undertake to co-operate the Scrutiny Committee in rendering decision within prescribed time frame. In facts and circumstances, we proceed to pass following order:

- a) Petitioners may approach the concerned Scrutiny Committee for issuance of photostat/true copy of the tribe certificates produced by them for verification, within a period of two months from today. The Scrutiny Committee, on receipt of such applications, issue true copy/certified copy of the tribe certificates produced by respective petitioners

for verification to the committee, within a period of four weeks from the date of receipt of such application.

b) On receipt of photostat / certified copy of the tribe certificate, petitioners shall approach the Sub-Divisional Officer/Competent Authority, with an application for issuance of tribe certificate within a period of six weeks, thereafter.

c) On receipt of tribe certificates, petitioners shall tender the certificates with the proposals in the prescribed proforma to the Scrutiny Committee within a period of eight weeks and, the Scrutiny Committee shall proceed to determine the claim for verification of the tribe certificates in accordance with the provisions of law and render decision as expeditiously as possible, preferably within a period of eight months from the date of receipt of the proposals.

d) In the meanwhile, no adverse action shall be taken against practitioners merely on the ground of failure to submit validation certificates, and it would

be open for the employers/educational institute to take appropriate steps in the event of failure of petitioners to substantiate their claim and to secure validation certificates.

4 Writ petitions stand disposed of accordingly.

(K.K. SONAWANE, J)

(R.M.BORDE, J)

vbd