

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9413 OF 2010

Lala s/o Gopichand More,
age: 38 years, Occ: service,
R/o Saygvan, Tq. Kannad,
District Aurangabad.

Petitioner

Versus

01 The State of Maharashtra,
through the Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32.

02 Scheduled Tribe Certificate
Scrutiny Committee, through
its Vice Chairman,
Kasmira Sadan, Railway Station
Road, Aurangabad.

03 Mahatma Gandhi College,
Ahmadpur, Tq. Ahmedpur,
District Latur, through
the Principal.

Respondents

Mr.S.M.Kulkarni, advocate for the petitioner.
Mr.M.B.Bharaswadkar, A.G.P. for Respondents No.1 & 2.
Mr.A.V.Patil, advocate holding for Mr.V.D.Gunale, advocate for
Respondent No.3.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.
DATE : 01st July, 2016**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard learned Counsel for respective parties.

2 Rule. Rule made returnable forthwith and heard finally by
consent of learned Counsel for respective parties.

3 The petitioner is objecting to the order passed by the Scrutiny Committee invalidating his caste certificate, issued to him by the competent authority, certifying that he belongs to 'Koli Mahadev', Scheduled Tribe.

4 The order passed by the Scrutiny Committee needs to be set aside only on the ground of defect in composition of the Scrutiny Committee. It is informed that one of the members of the Committee Shri B.V.Shirurkar, Member Secretary, was functioning as Law Officer and is not entitled to be part of the Scrutiny Committee. The objection in respect of entitlement of the very same officer, who continued to act as a Member of the Scrutiny Committee, was considered by Division Bench of this Court while dealing with Writ Petition No.8202 of 2010, decided on 15th September, 2010. The Division Bench of this Court held that the Law Officer is not entitled to be part of the Scrutiny Committee since composition of the Scrutiny Committee is not in conformity with the provisions of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification Of) Certificate Rules, 2003.

5 In this view of the matter, decision rendered by the Scrutiny Committee, impugned in this petition, deserves to be quashed and set aside and same is accordingly quashed and set aside.

6 The caste/tribe certificate issued to the petitioner records his caste/tribe as 'Mahadev Koli', which is not in conformity with the entry appearing in Presidential Order, 1950. It would be open for the petitioner to apply for certified copy/true copy of the caste/tribe certificate confiscated by the Scrutiny Committee, within a period of three weeks from today. On receipt of the application, the Scrutiny Committee shall issue certified copy or true copy of the caste/tribe certificate, presented by the petitioner for verification, within a period of two weeks from the date of receipt of the application. On receipt of the

certified copy or true copy of the caste/tribe certificate, it would be open for the petitioner to tender proper application to the Sub Divisional Officer/Caste certificate issuing authority within a period of four weeks and on receipt of the application, the concerned Sub Divisional Officer/concerned authority shall issue the caste/tribe certificate in favour of the petitioner certifying to be belonging to 'Koli Mahadev', a Scheduled Tribe, without embarking upon further enquiry in the matter , within a period of three weeks from the date of receipt of the application from petitioner. On receipt of the caste/tribe certificate from the Sub Divisional Officer/concerned authority, petitioner shall tender proposal in the prescribed proforma to the Scrutiny Committee, within a period of four weeks and on receipt of proposal, the Scrutiny Committee shall conduct exercise of verification of caste/tribe certificate and take appropriate decision in accordance with provisions of law and after extending an opportunity of hearing to all the parties concerned, within a period of ten weeks from the date of receipt of proposal. The petitioner undertakes to cooperate the Scrutiny Committee in taking final decision in the matter.

7 Rule is accordingly made absolute in above terms. There shall be no order as to costs.

K.L.WADANE
JUDGE

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R.M.BORDE
JUDGE