

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.10270 OF 2015

Shamraj s/o Subhashrao Waghmare ... PETITIONER

VERSUS

Scheduled Tribe Certificate
Scrutiny Committee & others ... RESPONDENTS

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Shri S.S. Phatale, Advocate for petitioner
Shri K.D. Bade Patil, Advocate for respondent No.1
Shri S.S. Dande, A.G.P. for State
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CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.

DATED: 6th January, 2016.

ORAL ORDER :

1. Petitioner claims to be belonging to 'Koli Mahadev', scheduled tribe. The certificate produced by the petitioner certifying that he belongs to 'Mahadev Koli', scheduled tribe came to be forwarded for verification to the Scrutiny Committee. The Scrutiny Committee, noticing that the certificate secured by the petitioner is not in proper format and tribe recorded in the certificate is 'Mahadev Koli' and not 'Koli Mahadev', proceeded to direct cancellation and confiscation of the caste/ tribe certificate with a liberty to the petitioner to secure the caste/ tribe certificate in proper format and produce same before the Scrutiny

Committee for verification.

2. The petitioner has been appointed as Assistant Teacher as against a seat earmarked for Scheduled Tribe category.

3. In the facts and circumstances of this case, this petition can be disposed of in view of the decision rendered by this Court in Writ Petition No.4536 of 2014 and other connected matters, decided on 14.08.2015. The petitioner may approach the concerned Scrutiny Committee for issuance of photostat/ certified copy of the caste/ tribe certificate produced by him for verification, within a period of two weeks from today. The Scrutiny Committee, on receipt of the application from petitioner, shall issue him photostat/ certified copy of the caste/ tribe certificate within a period of two weeks from the date of receipt of the application. Within a period of one week from receipt of the photostat/ certified copy, the petitioner shall tender an application in the prescribed proforma along with photostat/ certified copy of the caste/ tribe certificate to the Sub-Divisional Officer, requesting him to issue caste/ tribe certificate. On receipt of the application, the Sub-Divisional Officer, without further embarking upon any inquiry, shall issue caste. Tribe certificate in favour of the petitioner certifying that he belongs to 'Koli Mahadev', Scheduled Tribe, within a period of one week from the date of receipt of the application. The Sub-Divisional Officer

shall not refuse to issue caste/ tribe certificate on any other ground and shall issue the same as directed by us within the time stipulated above. On receipt of the tribe certificate from the competent authority, petitioner shall tender a proposal in prescribed proforma to the Scrutiny Committee within a period of three weeks and the Scrutiny Committee shall proceed to pass an appropriate order in respect of verification of the caste/ tribe certificate within a period of eight months from the date of receipt of proposal from petitioner. The employer shall not take any coercive action against the petitioner and shall permit him to continue in the employment subject to the decision of the Scrutiny Committee in respect of the proposal for verification of caste/ tribe certificate of the petitioner until disposal of claim for verification of caste/ tribe certificate of the petitioner and subject to the decision thereon.

4. With the directions as above, Writ Petition stands disposed of.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)