

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10450 OF 2016

Balu S/o Khandoji Sambetwad
Age: 29 years, occu: service,
R/o Malkoutha, Tq. Mukhed,
Dist. Nanded

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 Bhokar
Dist. Nanded

Respondents

Mr S.M. Vibhute advocate for the petitioners

Mr. V.M. Kagne, Assistant Government Pleader for Respondents

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

(Date : 19th October, 2016.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of parties, petition is taken up for

final decision, at admission stage.

3 Petitioner claims to be belonging to 'Koli Mahadev', scheduled tribe and is in receipt of tribe certificate issued by the competent authority, containing certification accordingly. Tribe certificate issued in favour of the petitioner was referred to the Scrutiny Committee for verification. However, Scrutiny Committee turned down the proposal on the ground that, description of caste in the tribe certificate is incorrectly recorded as 'Mahadev Koli' and not as 'Koli Mahadev' and, petitioner has been given liberty to secure proper certificate and submit the same for verification once again .

4 The issue raised in the instant petition 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 petition, decision of the Scrutiny Committee is upheld. In facts and circumstances of the case, however, we proceed to pass following order:

- a) Petitioner may approach the concerned Scrutiny Committee for issuance of photostat/true copy of the tribe certificate produced by him for verification, within a period of two months from

today. The Scrutiny Committee, on receipt of such application, issue true copy/certified copy of the tribe certificate produced by the petitioner 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, petitioner 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 certificate, petitioner shall tender the certificate with the proposal 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 proposal.

d) In the meanwhile, no adverse action shall be taken against practitioner merely on the ground of failure to submit validation certificate, and it would be open for the employer to take appropriate steps in the event of failure of petitioner to substantiate his claim and to secure validation certificate.

5 Writ petition stands disposed of accordingly. Rule is made absolute in above terms. There shall be no order as to costs.

(K.K. SONAWANE, J)

(R.M.BORDE, J)