

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.11097 OF 2016

Vana S/o Ananda Sonawane  
Age: 60 years, occu: retired,  
R/o Navagaon, Koliwada,  
Ghat Road, Chalisgaon  
Dist. Jalgaon

Petitioner

Versus

1 State of Maharashtra,  
through Principal Secretary,  
Social Justice, Special Assistance Department  
Mantralaya, Mumbai 400 032

2 Scheduled Tribes Certificate Verification Committee,  
Nandurbar Division, Nandurbar,  
Dist. Nandurbar  
through its Secretary/President

3 The Sub Divisional Officer,  
Chalisgaon Division, Chalisgaon,  
Dist.Jalgaon

Respondents.

Mr.P.R. Patil advocate for the petitioner

Mr.A.V. Deshmukh, Assistant Government Pleader for Respondents

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CORAM : R.M. BORDE &  
SANGITRAO S. PATIL, JJ

(Date : 23rd November, 2016.)

**ORAL JUDGMENT**

(Per: R.M. Borde, J)

1 Rule. Rule made returnable forthwith. Heard finally with  
the consent of learned counsel for respective parties.

2. The tribe validation claim of the petitioner has been turned down by the scrutiny committee on the ground that name of tribe mentioned on the certificate is not in accordance with the entry recorded in the Presidential Order. The entry of the tribe recorded in the Presidential order is Koli Malhar whereas the caste certificate issued to the petitioner records the entry as Malhar Koli.

3. The Division Bench of this Court vide order dated 14.8.2014 in Writ Petition No. 4536/2014 and other connected writ petitions has considered this aspect and has disposed of the petitions by giving certain directions. In view of the order passed by the Division Bench in the aforesaid writ petitions, this writ petition stands disposed of with following directions :-

A) The petitioner may approach the concerned Scrutiny Committee for issuance of photostat copy of the tribe certificate produced by him for verification, within a period of four months from today. The Scrutiny Committee, on receipt of such application, issue attested/authenticated copy of the tribe certificate produced by petitioner for verification to the Committee.

B) The petitioner, 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) The concerned Sub Divisional Officer/Competent Authority, on receipt of the application by petitioner, together with attested/authenticated photostat copy of the tribe certificate issued earlier, shall proceed to issue tribe certificate in prescribed proforma certifying that petitioner belongs to 'Koli Malhar' (Scheduled Tribe). The Sub Divisional Officer / competent authority shall issue certificate within a period of four weeks from the date of receipt of the application.

D) On receipt of Tribe certificate, petitioner, shall approach the concerned Scrutiny Committee with a proposal in prescribed proforma requesting the Scrutiny Committee to verify the Tribe Certificate and consider his application for issuance of validity certificate. The petitioner shall approach the Scrutiny Committee within a period of eight (8) weeks from the date of receipt of the

tribe certificate from the competent authority.

E) On receipt of the proposal from petitioner, 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 certificate, as expeditiously as possible, preferably within a period of one year from the date of receipt of the proposal/application.

F) The Scrutiny Committee shall accept the proposal directly and shall not refuse to accept the proposal on the ground that same has not been routed through proper channel, either employer or educational institution.

G) The writ petition is disposed of. Rule is made absolute accordingly. There shall be no order as to costs.

(SANGITRAO S. PATIL, J)

(R.M.BORDE, J)