

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

WRIT PETITION NO.11797 OF 2016

Vishnu Damodhar Sude,
Age : 24 years, Occ. Service,
r/o. Bhogalwadi, Tq. Dharur,
Dist. Beed ..Petitioner

Vs.

1. Sub-Divisional Officer,
Majalgaon, Tq. Majalgaon,
Dist. Beed.
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary ..Respondents

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Mr.S.S.Phatale, Advocate for petitioner

Mr.K.D.Mundhe, AGP for respondents

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**CORAM : R.M. BORDE AND
SANGITRAO S. PATIL, JJ.
DATE : NOVEMBER 30, 2016**

ORAL JUDGMENT :

Rule. Rule made returnable forthwith.

With the consent of the learned Counsel for the parties, the petition is taken up for final hearing.

2. The application tendered by the petitioner for issuance of tribe certificate that he belongs to 'Koli Mahadev' scheduled tribe has been turned down by respondent no.1 – Sub-Divisional Officer vide impugned order dated 17.05.2016.

3. The petitioner was issued tribe certificate on 05.08.2008 by the Sub-Divisional Officer certifying that the petitioner belongs to 'Mahadev Koli' scheduled tribe. The tribe certificate of the petitioner was forwarded to the Scrutiny Committee for verification. The Scrutiny Committee, however, turned down the proposal of the petitioner merely on the ground that the description of the tribe mentioned in the tribe certificate as 'Mahadev Koli' is not in consonance with the Constitution (Scheduled Tribe) Order, 1950. The petitioner has been granted liberty to secure a correct tribe certificate and furnish the same for verification.

4. This Court in the case of **Vijaya d/o. Govindrao Machkure Vs. The State of Maharashtra in Writ Petition No.1242 of 2016** and other companion Writ Petitions **decided on 04.02.2016**, issued certain directions to the Sub-Divisional Officer to issue caste certificate describing the correct nomenclature of the tribe in consonance with the Constitution (Scheduled Tribe) Order, 1950 .

5. In view of the decision referred to above, the instant Writ petition also deserves to be allowed and same is accordingly allowed.

6. The Sub-Divisional Officer is directed to issue tribe certificate to the petitioner, recording correct description of tribe as expeditiously as possible and preferably, within a period of three weeks from today. On receipt of the tribe certificate, the petitioner shall submit proposal for verification of his tribe claim

before the Scrutiny Committee within four weeks from the date of receipt of the tribe certificate.

7. On receipt of the proposal directly from the petitioner, the Scrutiny Committee shall examine the same and take appropriate decision after extending an opportunity of hearing to the petitioner and in observance with the procedure prescribed under the law as expeditiously as possible and preferably, within a period of eight months from the date of receipt of the proposal from the petitioner.

8. Rule made absolute accordingly. There shall be no order as to costs.

[SANGITRAO S. PATIL, J.]

[R.M. BORDE, J.]

kbp