

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12020 OF 2016

Ashok Dharmaraj Nirde

Petitioner

Versus

Scheduled Tribes Certificate Scrutiny Committee,
Aurangabad and others

Respondents.

Mr.S.S. Phatalel advocate for the petitioner

Mr.Y.G. Gujrathi, Assistant Government Pleader for Respondents

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

(Date : 5th December, 2016.)

PER COURT

1 Heard.

2 The issue involved in the present Writ Petition is no longer res-integra and is decided by this Court vide order dated 14.8.2014 in Writ Petition No.4536/2014 and other connected Writ Petitions.

3 In view of the above, we also follow the same course.

4 The view taken by the Scrutiny Committee deserves to be upheld. However, in the facts and circumstances, we proceed to issue certain directions in addition to the directions issued by the

Scrutiny Committee as follows:-

A) The petitioner may approach the concerned Scrutiny Committee for issuance of photostat copy of the caste/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 caste/tribe certificate produced by petitioner for verification to the Committee.

B) The petitioner, on receipt of photostat copy of the caste/tribe certificate, shall approach the concerned Sub Divisional Officer/competent authority with an application for issuance of caste/tribe certificate within a period of six weeks, thereafter.

C) In the event earlier caste certificate had been issued by the Executive Magistrate, it would be open for the petitioner to tender an application to the Sub-Divisional Officer of the concerned Division and such officer shall entertain the application and shall issue caste certificate in the prescribed proforma on verifying

attested/authenticate photostat copy of the earlier caste certificate.

D) 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 Mahadev' (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.

E) 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.

F) 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.

G) 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.

H) The Educational institution shall not take any adverse action against the petitioner only on the ground of failure of the petitioner to produce validity certificate and further appropriate action can be taken only subject to result of verification claim, which would be lodged before the Scrutiny Committee, in accordance with the directions issued in this Judgment.

5 The Writ Petition is disposed of. No costs.

(SANGITRAO S. PATIL, J)

(R.M.BORDE, J)