

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

WRIT PETITION NO.378 OF 2017

1. Devidas S/o Laxman Palepwad,
Age 44 years, Occ.Service,
R/o Bhisi, Tq. Kinwat,
Dist.Nanded.

2. Swapnil S/o Devidas Palepwad,
Age 21 years, Occ.Education,
R/o Bhisi, Tq. Kinwat,
Dist.Nanded.

3.Sanket S/o Devidas Palepwad,
Age 19 years, Occ.Education,
R/o Bhisi, Tq. Kinwat,
Dist.Nanded.

... Petitioners.

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,
Kinwat, Dist.Nanded.

4. The Superintendent Engineer,
Maharashtra State Electricity
Distribution Company Ltd.,
Vidhyut Bhavan, Nava Mondha,

Nanded, Dist.Nanded. . . . Respondents.

. . .

Mr.S.M.Vibhute, advocate for the petitioner.
Mr.M.B.Bharaswadkar, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**

Date : 12.01.2017.

PER COURT :

1. Heard.
2. Issue notice to the Respondents.
3. Learned A.G.P. waives notice for Respondent Nos.1 to 3.
4. 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 W.P.No.4536/2014 and other connected Writ Petitions.
5. In view of the above, we also follow the same course.
6. 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 petitioners, in this petition, may approach the concerned Scrutiny Committee for issuance of photostat copy of the caste/tribe certificate produced by them for verification, within a period of four months from today. The Scrutiny Committee, on receipt of such applications, issue attested/authenticated copy of the caste/tribe

certificates produced by the petitioners for verification to the Committee.

b) The petitioners, on receipt of photostat copy of the caste/tribe certificates, shall approach the concerned Sub-Divisional Officer/competent authority with applications for issuance of caste/tribe certificates 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 petitioners to tender applications to the Sub-Divisional Officer of the concerned Division and such officer shall entertain the applications and shall issue caste certificates in the prescribed proforma on verifying attested/authenticated photostat copy of the earlier caste certificate.

d) The concerned Sub-Divisional Officer/Competent Authority, on receipt of the applications by the petitioners, together with attested/authenticated photostat copy of the caste/tribe certificates issued earlier, shall proceed to issue caste/tribe certificates in prescribed proforma certifying that the petitioners belong to 'Mannervarlu', Scheduled Tribe. The Sub Divisional Officers/Competent Authority shall issue certificates within a period of four weeks from the date of receipt of the applications.

e) On receipt of Tribe certificates, the petitioners, shall approach the concerned Scrutiny Committee with a proposal in prescribed proforma requesting the Scrutiny Committees to verify the Tribe Certificates and consider their applications for issuance of validity certificates. The petitioners shall approach the Scrutiny Committee within a period of

eight weeks from the date of receipt of the caste certificate from the competent authority.

f) On receipt of the proposals from the petitioners, the Scrutiny Committee shall proceed to verify the caste/tribe certificates and take appropriate decision after following procedure prescribed under law in respect of issuance of validity certificates, as expeditiously as possible, preferably within a period of one year from the date of receipt of the proposals/applications.

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

h) The employer shall not take any adverse action against the petitioner only on the ground of his failure 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.

7. The Writ Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

