

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

WRIT PETITION NO. 1489 OF 2017

Sachin Shankarrao Gadewad and another.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 1490 OF 2017

Pavan Piraji Bhusewad Minor through
father Piraji Tulshiram Bhusewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 1491 OF 2017

Balaji Bapurao Ijjapwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 1492 OF 2017

Vishal Baswant Muttepod .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 1493 OF 2017

Pooja Sudhakar Ejapwar minor through
father Sudhakar Hashanna Ejappwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH**WRIT PETITION NO. 1494 OF 2017**

Shital Govindrao Marakwad minor u/g
father Govind Ramrao Markawad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH**WRIT PETITION NO. 1495 OF 2017**

Manisha Prabhu Kolhe .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH**WRIT PETITION NO. 1496 OF 2017**

Om Nagorao Bainwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH**WRIT PETITION NO. 1497 OF 2017**

Pallavi Rajendra Kolhe .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH**WRIT PETITION NO. 1498 OF 2017**

Sainath Ramji Ghogre .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH**WRIT PETITION NO. 1499 OF 2017**

Shubhangi Datta Kolhe and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

WITH**WRIT PETITION NO. 1500 OF 2017**

Akshay Naresh Ijjapwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH**WRIT PETITION NO. 1501 OF 2017**

Dattu Ramlu Ainlawar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH**WRIT PETITION NO. 1502 OF 2017**

Swapnil Sahebrao Ijjapwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH**WRIT PETITION NO. 1503 OF 2017**

Mayuri Madhavrao Alewad minor through
father Madhav Ganeshrao Alewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for Petitioners in all matters.

Shri M. B. Bharaswadkar, A.G.P. for Respondents/State in all matters.

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

DATE : 02ND FEBRUARY, 2017.

PER COURT :

. Issue notice to respondents. The learned A. G. P. waives notice for all respondent.

2. Heard.

3. 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 of 2014 and other connected Writ Petitions.

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

5. For the reasons recorded above, 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 Magistrates, 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/authenticated photostat copy of the earlier caste certificate.

d) The concerned Sub Divisional Officer/Competent Authority, on receipt of the application of the

petitioner, together with attested/authenticated photostat copy of the caste/tribe certificate issued earlier, shall proceed to issue caste/tribe certificate in prescribed proforma certifying that petitioner belong to 'Mannervarlu', 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, the 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 weeks from the date of receipt of the caste certificate from the competent authority.

f) On receipt of the proposal from the petitioner, the Scrutiny Committee shall proceed to verify the caste/tribe certificate and take appropriate decision after following procedure prescribed under law in respect of issuance of validity certificate, as expeditiously as possible and 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 employer shall not take any adverse action against any of 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 order.

6. The Writ Petitions are disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]