

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

927 WRIT PETITION NO. 1668 OF 2017

PRATIKSHA VISHWANATH ARBADWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Jadhavar Pratap V.

AGP for Respondents State: Mr. R. B. Bagul

CORAM : S. V. GANGAPURWALA &

K. L. WADANE, JJ.

DATE : 7th Februry, 2017

ORDER:

1. Heard.

2. The issue involved in the present matter is no longer res integra in view of the judgment of Division Bench of this Court in Writ Petition No.4536 of 2014 and other connected matters dated 14th August, 2014.

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

4. 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 Committees 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/s 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 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 the petitioner belongs to

'Mannervarlu', Scheduled Tribe. The Sub Divisional Officers/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 Committees with a proposal in prescribed proforma requesting the Scrutiny Committees to verify the Tribe Certificate and consider his application for issuance of validity certificates. 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 certificates, 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 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 institutions.
- (h) The education institutions/colleges or 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 order.

3. The writ petition stands disposed of accordingly. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC