

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

WRIT PETITION NO. 4342 OF 2017

PAWAN DNYANOBA TELI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Boinwad Omgashad B.
AGP for Respondents 1 to 3 : Mr. S.B.Joshi

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CORAM : R.M.BORDE AND K.L.WADANE, JJ.

DATED : 3rd APRIL, 2017

O R D E R :

This petition can be disposed of in view of the directions issued by this Court on 14.8.2014 in Writ Petition No. 4536 of 2014 and other connected matters.

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

3. 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 eight weeks from today. The Scrutiny Committee, on receipt of such applications, 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 certificates 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 belongs to 'Koli Mahadev', Scheduled Tribe. The Sub Divisional Officers/Competent Authority shall issue certificates within a period of four weeks from the date of receipt of the application.

(e) On receipt of Tribe certificates, 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, 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.

4. Until disposal of the tribe certificate validation claim of the petitioner by the Scrutiny Committee, respondent no.4 shall not take any adverse action against the petitioner on the ground of his failure to submit validation certificate and the petitioner shall be permitted to prosecute studies subject to decision in respect of his tribe certificate validation proposal.

5. Writ Petition is accordingly disposed of.
There shall be no order as to costs.

(K.L.WADANE, J.)

(R.M.BORDE, J.)

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