

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3862 OF 2017

(Shrikant s/o Vithal Chappalwar Vs. Scheduled Tribe
Certificate Scrutiny Committee, Aurangabad and others)

Mr. Sagar S. Phatale, Advocate for the Petitioner
Mrs. M.A. Deshpande, A.G.P. for the respondents/State
Mr. J.R. Patil, Advocate for respondent No.4

**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : 22nd MARCH, 2017

ORAL ORDER :

Heard.

2. Issue notice to the respondents. The learned A.G.P. waives notice for respondent nos.1 to 3. Mr. J.R. Patil, learned counsel waives notice for respondent no.4.

3. The issue involved in the present Writ Petitions 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.

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

5. 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, in this petition, 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 the 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 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 Committee with a proposal in prescribed proforma requesting the Scrutiny Committees 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 have not been routed through proper channel, either employer or educational institution.
- (h) The concerned educational institution/college 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 judgment.

6. The writ petition stands disposed of accordingly.

No costs.

[SANGITRAO S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE