

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

WRIT PETITION NO. 6433 OF 2017

Hiramani Shankar Deshatwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 6435 OF 2017

Narsimalu Rajenna Gattuwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 6436 OF 2017

Gangadhar Sayanna Nugarawar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 6437 OF 2017

Maroti Kondiba Pupalwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 6438 OF 2017

Kailash Govind Komawad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner in all matters.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondents/State in all matters.

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

DATE : 13TH SEPTEMBER, 2017.

FINAL ORDER :

. 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 petitioners may approach the concerned Scrutiny Committees 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 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 an application for issuance of caste/tribe certificates within a period of six weeks, thereafter.
- (c) In the event earlier caste certificates had been issued by the Executive Magistrate, it would be open for the petitioners 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 certificates.
- (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 certificate, the petitioners, shall approach the concerned Scrutiny Committees with a proposal in prescribed proforma requesting the Scrutiny Committees to verify the Tribe Certificate 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 certificates from the competent authority.
- (f) On receipt of the proposals from the petitioners, the Scrutiny committee shall proceed to verify the caste/tribe certificate s 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 institutions.
- (h) The education institutions/colleges or the employer shall

not take any adverse action against the petitioners only on the ground of their failure to produce validity certificates and further appropriate action can be taken only subject to result of verification claims, which would be lodged before the Scrutiny Committee, in accordance with the directions issued in this order.

5. The writ petitions stand disposed of accordingly. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 17