IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 WRIT PETITION NO. 9694 OF 2017

RAMRAJA MAROTIRAO METHEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondents: Mr. P.S. Patil
...

CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.
DATE : 03.08.2017

P.C. :-

. When this petition was moved, we brought to the notice of the learned A.G.P., the seriousness in the sense the petitioner states that he belongs to Koli Mahadev Scheduled Tribe. The petitioner desired to obtain a caste / tribe certificate simply because the petitioner wants to avail of the concessions and relaxations meant for Scheduled Caste and Scheduled Tribe persons in admissions to Educational Institutions. Accordingly, he appeared for a Common Entrance Test conducted by the State Government and opted for the Diploma in Pharmacy course. The admission authority granted the college which is respondent no.3. The petitioner could not submit the Tribe certificate on-line. He mentioned the category. However, he did not give any particulars of a tribe certificate that is because the Sub Divisional Officer (the Competent

Authority) had not issued the tribe certificate at all. The last date of admission was 29.07.2017. It is now stated that there is one more round on 05.08.2017, the petitioner has lost the opportunity in the round of 29.07.2017.

2. In such circumstances, we direct the Competent Authority to issue a tribe certificate to the petitioner within four days that would be latest by 08.08.2017. The petitioner be allowed to participate in the ongoing admission process, on the undertaking that the moment the tribe certificate is made available pursuant to our order it will be forwarded to the college. In the round of 05.08.2017, the petitioner opts for any other college or is assigned some other college, that college as well should abide by our directions and admit him on the undertaking as aforesaid. This order is passed also because the petitioner's advocate undertakes before the Court that the moment the certificate is received it will be forwarded by the petitioner to the concerned college.

3. The Sub Divisional Officer to issue a tribe certificate to the petitioner within four days. Though, Mr. Patil would argue that the Sub Divisional Officer, will consider the application and pass the requisite order within four days, we do not wish to grant any time to this Competent Authority, who has failed to abide by the ordinary and normal

rule of 15 days within which he must dispose of the the proceedings. We do not know why he wants the petitioner to remain present, though, the petitioner has annexed from page 12 onwards all the relevant documents in which the entry in caste column is Mahadev Koli. He has also forwarded a certified true copy of a certificate of validity issued on 12.5.2009 to one Shivaji Tukaram Metewad. That certificate of validity has been issued by the Scheduled Tribe Scrutiny committee, Aurangabad Division under the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short "the Maharashtra Act No. XXIII of 2001"). It says that the tribe certificate issued by Tahsildar and Taluka Magistrate, Mukhed, District Nanded to Shivaji Tukaram Metewad on 28.02.1991 is valid.

4. It is endorsed on this certified true copy that the present petitioner is the son of Maruti Gyanoba Metewad. Maruti is the cousin cousin brother from the paternal side of Shivaji Tukaram Metewad. The petitioner is the son of Maruti. There is also a certificate of age and domicile. There are also other documents including Panchanama, where the name of the petitioner is written as Ramraja Maruti Metewad. In

these circumstances, we do not see what inquiry the Sub Divisional Officer desires to make. He is not expected to make a elaborate inquiry. Hence, we direct that he should issue the certificate within four days.

5. The writ petition is disposed of.

[MANGESH S. PATIL, J.] **[S.C. DHARMADHIKARI, J.]**

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