

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

WRIT PETITION NO.1329 OF 2017

Dattatraya s/o. Haribhau Jagtap,
Age 43 years, Occ. Service,
r/o. Nipani, Tq.Kallam,
Dist. Osmanabad

..Petitioner

Vs.

The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralay, Mumbai – 32
and ors.

..Respondents

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Mr.Ramraje Deshmukh, Advocate i/b. Mr.S.S.Thombre,
Advocate for petitioner

Mr.Y.G.Gujrati, AGP for respondent nos.1 and 2

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

DATE : MARCH 14, 2017

ORDER :

Heard.

2. The issue involved in the present petition is no longer *res-integra* in view of the judgment of Division Bench of this Court delivered on 14.8.2014 in Writ Petition No.4536 of 2014 (Prakash

s/o Subhash Bhople Vs. Deputy Collector (General), Latur, District Latur and others) and other connected matters. We also adopt the same course. In light of that, we pass the following order :-

a) The petitioners 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 the 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 the attested/authenticated photostat copy of the earlier caste certificate.

d) The concerned Sub-Divisional Officer/Competent Authority, on receipt of the application from the petitioner together with attested/authenticated photostat copy of the caste/tribe certificate issued earlier, shall proceed to issue caste/tribe certificate in the prescribed proforma certifying that the petitioner belongs to 'Mahadev Koli', Scheduled Tribe. The Sub Divisional Officer/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 the 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 the 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 the same has not been routed through proper channel i.e. either the employer or educational institution.

h) The 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 the result of verification claim, which would be lodged before the Scrutiny Committee, in accordance with the directions issued in this judgment.

3. The Writ Petition is disposed of. No costs.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]