

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

WRIT PETITION NO. 11810 OF 2017

1]Balasaheb Namdeo Tambud
Age: 31 Years. Occ: Service
R/o: At Post Bhogalwadi
Tq. Dharur, Dist. Beed.

..PETITIONER

Versus

1]Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary.

2]Sub Divisional Officer
Majalgaon, Dist. Beed.

3]Kanifnath Madhyamik Vidyalaya
Mohkhed,
Tq.: Dharur, Dist. Beed
Through its Head Master.

..RESPONDENTS

WITH

WRIT PETITION NO. 11819 OF 2017

1]Rameshwar Maroti Gandhale
Age: 23 Years. Occ: Service
R/o: At Post Choramba
Tq. Dharur, Dist. Beed.

..PETITIONER

Versus

1]Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary.

2]Sub Divisional Officer
Majalgaon, Dist. Beed.

3]Brihanmumbai Municipal Corporation
Mumbai Fire Brigade
Byculla, Mumbai 4000 008
Through its Administrative Officer.

..RESPONDENTS

WITH

WRIT PETITION NO. 11863 OF 2017

1]Rajabhau Ankush Nirde
Age: 30 Years. Occ: Service
R/o: At Post Kacharwadi
Tq. Dharur, Dist. Beed.

..PETITIONER

Versus

1]Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary.

2]Sub Divisional Officer
Majalgaon, Dist. Beed.

3]Kanifnath Madhyamik Vidyalaya
Mohkhed,
Tq.: Dharur, Dist. Beed
Through its Head Master.

..RESPONDENTS

WITH
WRIT PETITION NO. 11881 OF 2017

1]Dilip Radhakisan Nirde
Age: 26 Years. Occ: Service
R/o: At Post Kacharwadi
Tq. Dharur, Dist. Beed.

..PETITIONER

Versus

1]Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary.

2]Sub Divisional Officer
Majalgaon, Dist. Beed.

3]Swami Vivekanand Vidyalaya
Mantha
Tq.: Mantha, Dist. Jalna
Through its Head Master.

..RESPONDENTS

Advocate for Petitioners Mr. Sagar S. Phatale in all Wps.
Mrs.A.V.Gondhalekar AGP for respondent State in WP
Nos.11810/17 and WP.11881/17.
Mr.S.B.Pulkundwar,AGP for respondent State in WP
Nos.11819/17 & 11863/17.

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

DATE :27/09/2017

PER COURT :

1] Heard.

2] 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.

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

4] 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 petitioners, in these petitions, may approach the concerned Scrutiny Committee 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 application, issue attested/authenticated copy of the caste/tribe certificate produced by the petitioners for verification to the Committee.

b) The petitioners, 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 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 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 petitioners, 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 belong to 'Koli Mahadev', 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 petitioners, 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 petitioners 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 petitioners, 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.

h) The employer shall not take any adverse action against the petitioners only on the ground of their 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 order.

5] Authenticate copy be given.

6] The Writ Petitions are disposed of. No costs.

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