

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3452 OF 2018

Dayanand Baburao Vithubone

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Pratap V. Jadhavar, Advocate for Petitioner.

Mrs. M. A. Deshpande, Additional Government Pleader for
Respondent Nos. 1 to 3.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVAL, JJ.

DATE : **5th April, 2018**

PER COURT :

1. Heard. Issue notice to respondents. The learned Additional Government Pleader waives notice for respondent Nos. 1 to 3.
2. The issue involved in the present matter is no longer resintegra 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 petitioner may approach the concerned Scrutiny Committee for issuance of photostat copy of the 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 tribe certificate produced by petitioner for verification to the Committee.

(b) The petitioner, on receipt of photostat copy of the tribe certificate, shall approach the concerned Sub Divisional Officer/competent authority with an application for issuance of 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 petitioner to tender an application to the Sub Divisional Officer of the concerned Division and such officer shall entertain the application and shall issue tribe certificate in the prescribed proforma on verifying

attested/authenticated photostat copy of the earlier tribe certificate.

(d) The concerned Sub Divisional Officer/Competent Authority, on receipt of the applications by the petitioner, together with attested/authenticated photostat copy of the tribe certificate issued earlier, shall proceed to issue tribe certificate in prescribed proforma certifying that the petitioner belongs 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 petitioner, 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 petitioner shall approach the Scrutiny Committee within a period of eight weeks from the date of receipt of the tribe certificate from the competent authority.

(f) On receipt of the proposal from the petitioner, the Scrutiny committee shall proceed to verify the tribe certificate 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 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 education 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.

5. The writ petition stands disposed of accordingly. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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