

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

WRIT PETITION NO.6290 OF 2017

Sehebrao s/o Yadavrao Somwad

.. Petitioner

Versus

The State of Maharashtra through
Secretary to Tribal Development
Department, Mantralaya, Mumbai
and ors.

.. Respondents

- WITH -

WRIT PETITION NO.6393 OF 2017

Bebi d/o Dattatraya Shirgurwar

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr S.M. Vibhute, Advocate for petitioner

Mr S.G. Karlekar, A.G.P. for respondents no.1 to 3

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

Date : 16th March 2018

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 Writ Petition No.4536 of 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 may approach the concerned Scrutiny Committee for issuance of photostat copy of the 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 tribe certificates produced by the petitioners for verification to the Committee.

(b) The petitioners, on receipt of photostat copies of the tribe certificates, 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 petitioners to tender an application to the Sub Divisional Officer of the concerned Division and such Officer shall entertain the applications and shall issue tribe certificates 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 applications of the petitioners, together with attested/authenticated photostat copy of the tribe certificate issued earlier, shall proceed to issue tribe certificates in prescribed proforma certifying that the petitioners belong to 'Mannervarlu' - Scheduled Tribe. The Sub Divisional Officer/competent authority shall issue certificates within a period of four weeks from the date of receipt of the applications.

(e) On receipt of tribe certificates, the petitioners shall approach the concerned Scrutiny Committee with a proposal in prescribed proforma requesting the Scrutiny Committee to verify the tribe certificates 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 tribe certificates from the competent authority.

(f) On receipt of the proposals from the petitioner, the Scrutiny Committee shall proceed to verify the tribe certificates and take appropriate decision after following procedure prescribed under law in respect of issuance of validity certificates, as expeditiously as possible and 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 institution.

(h) The employer/educational institution 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 subject to result of verification claims, which would be lodged before the Scrutiny Committee, in accordance with the directions issued in this order.

5. Writ Petition is accordingly disposed of. No costs.

(A.M. DHAVALA, J.)

(S.V. GANGAPURWALA, J.)

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