

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

WRIT PETITION NO. 6310 OF 2018

Shital D/o Sahebrao Erlod .. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

WITH

WRIT PETITION NO.6500 OF 2018

Tirupati S/o Dnyanoba Mupade .. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Shri S.M. Vihute, Advocate for Petitioner.

Mrs. M. A. Deshpande, Additional Government Pleader for Respondents

CORAM : **R.M. BORDE AND
A. M. DHAVAL, JJ.**

DATE : **26TH JUNE, 2018**

PER COURT :

1. Heard.

2. The issue involved in the present matters 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 companion Writ petitions.

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 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 petitioners for verification to the Committee.

(b) The petitioners, on receipt of photostat copy of the tribe certificates, shall approach the concerned Sub Divisional Officer/competent authority with an application/s for issuance of caste/tribe certificate within a period of six weeks, thereafter.

(c) In the event earlier caste certificates had been issued by the Executive Magistrate, it would be open for the petitioners to tender an application/s to the Sub Divisional Officer of the concerned Division and such

officer shall entertain the application/s and shall issue tribe certificate/s in the prescribed proforma on verifying attested/authenticated photostat copy of the earlier tribe certificates.

(d) The concerned Sub Divisional Officer/Competent Authority, on receipt of the applications of the petitioner, together with attested/authenticated photostat copy of the tribe certificates issued earlier, shall proceed to issue tribe certificate/s in prescribed proforma certifying that the petitioner belongs 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 proposal from the petitioners, 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, 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 education institution/college or the employer 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 only subject to result of verification claims, which would be lodged before the Scrutiny Committee, in accordance with the directions issued in this order.

5. The writ petitions stand disposed of accordingly. No costs.

[A. M. DHAVAL, J.]

[R.M. BORDE, J.]