

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

949 WRIT PETITION NO. 10763 OF 2018

NAVITA BABURAO DANTULWAR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Vibhute Sunil M.  
AGP for Respondents/State : Mr. P.S. Patil

...

**CORAM : R.M. BORDE &  
MANGESH S. PATIL, JJ.**  
**DATE : 26.09.2018**

**PC. :-**

Heard.

2. The issue involved in the present writ petition 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 petitioner, may approach the concerned Scrutiny Committee for issuance of photostat copy of the tribe certificate produced by her 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 copies 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 tribe 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 application of 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 belong to 'Mannervarlu', Scheduled Tribe. The Sub Divisional Officers/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 her application for issuance of validity certificate. The petitioner shall approach the Scrutiny Committees 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 certificate, as expeditiously as possible and 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 have not been routed through proper channel, either employer or educational institution.
- h) In the meanwhile, no adverse action be taken against the petitioner only on the ground to submit validity certificate and further appropriate action can be taken subject to decision in respect of tribe certificate validation proposal of the petitioner by the concerned scrutiny committee.

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

**[MANGESH S. PATIL, J.]**

**[R.M. BORDE, J.]**