

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12297 OF 2018

Pushpa d/o Gangadhar Kasewad

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. S.M. Vibhute, advocate for petitioner.

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

CORAM : R.M.BORDE &

MANGESH S. PATIL, JJ.

DATE : 1st November, 2018

PER COURT:

1. Heard.
2. The issued involved in the present writ petition is no more res-integra and is decided by this Court vide order dated 14.08.2014 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 her 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 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 belongs to 'Mannervarlu' 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 the 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 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 decisions 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 shall have not been routed through proper channel, either employer or educational institution.

h) The employer shall not take any adverse action against the petitioner only on the ground of her 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. Writ petition stands disposed of. No costs.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE