

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 11470 OF 2018

Rajeshwar Gangadharrao Karne

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. P.V. Jadhavar, advocate for petitioner.
Mr. P.S. Patil, AGP for all respondents.

WITH
WRIT PETITION NO. 11504 OF 2018

Akshay Jejerao Sukre

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. P.V. Jadhavar, advocate for petitioner.
Mr. P.S. Patil, AGP for all respondents.

**CORAM : R.M.BORDE AND
MANGESH S. PATIL, JJ.
DATE : 16th October, 2018.**

PER COURT :

1. Heard.
2. Issue notice to respondents. Learned AGP waives service of notice on behalf of all respondents.

3. The issue involved in the present petitions is no longer *res-integra* in view of the judgment delivered by Division Bench of this Court in Writ Petition No. 4536 of 2014 and other companion matters dated 14.08.2014.

4. In view of the above, we also adopt the same course.

5. 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 caste/tribe certificate produced by them for verification, within period of four months from today. The Scrutiny Committee, on receipt of such application/s, issue attested/authenticated copy of the caste/tribe certificate produced by petitioners for verification to the Committee.

(b) The petitioners, on receipt of photostat copy of the caste/tribe certificate, 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 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 application and shall issue caste certificate/s in the prescribed proforma on verifying attested/authenticated photostat copy of the earlier caste certificate.

(d) The concerned Sub Divisional officer/ Competent Authority, on receipt of the application by the petitioners, together with attested/authenticated photostat copy of the caste/tribe certificate issued earlier, shall proceed to issue caste/tribe certificate in prescribed proforma certifying that the petitioners belong 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 Tribe Certificate, the petitioners, shall approach the concerned Scrutiny Committee with a proposal in prescribed proforma requesting the Scrutiny Committees to verify the Tribe Certificate and consider their applications for issuance of

validity certificate. The petitioners shall approach the Scrutiny Committee within a period of eight weeks from the date of receipt of the caste certificate from the competent authority.

(f) On receipt of the proposal from the petitioners, the Scrutiny Committee shall proceed to verify the caste/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 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.

6. Both the petitions stand disposed of accordingly. No costs.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE