

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO. 12148 OF 2018

SANGAMESHWAR SAMBHAJIRAO PALLEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
WITH

927 WRIT PETITION NO. 12149 OF 2018

NISHANT ANIL CHITALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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

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

Date: October 30, 2018

PER COURT

1 Heard.

2 The issue involved in the present writ petitions is no more *res-integra* and is decided by this Court vide order dated 14.8.2014 in Writ Petition No.4536/2014 and other connected 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 committees for issuance of photostat copy of the caste/tribe certificates 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 caste/tribe certificate produced by petitioners for verification to the Committee.

b) The petitioners, on receipt of photostat copies of the caste/tribe certificates, shall approach the concerned Sub-Divisional Officer / competent authority with an application/s for issuance of caste/tribe certificates 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 caste certificate/s in the prescribed proforma on verifying attested/authenticated photostat copies of the earlier caste certificates.

d) The concerned Sub-Divisional Officer/

Competent Authority, on receipt of the application/s of the petitioners, together with attested/authenticated photostat copies of the caste/tribe certificates issued earlier, shall proceed to issue caste/tribe certificates in prescribed proforma certifying that the petitioners belong to 'Mannervarlu' Scheduled Tribe. The Sub-Divisional Officers/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 Committees with a proposal in prescribed proforma requesting the Scrutiny Committees to verify the Tribe Certificates and consider their applications for issuance of validity certificates. The petitioners shall approach the Scrutiny Committees within a period of eight weeks from the date of receipt of the caste certificates from the competent authority.

f) On receipt of the proposal from the petitioners, the Scrutiny Committee shall proceed to verify the caste/tribe certificates and take appropriate decisions 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 Committees 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 shall not take any adverse action against any of 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 claim, which would be lodged before the Scrutiny Committees, in accordance with the directions issued in this order.

5 The writ petitions are disposed of. No costs.

(MANGESH S. PATIL, J)

(R.M. BORDE, J)

vbd