

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 12074 OF 2018

Laxman Estri Gaddewad

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. P.V. Jadhavar, advocate for petitioner.
Mr. P.S. Patil, AGP for Respondents no. 1 to 3.

**CORAM : R.M.BORDE &
MANGESH S. PATIL, JJ.
DATE : 26th October, 2018**

PER COURT:

1 Issue involved in this petition is no more *res-integra* and is covered by decision of the Division Bench of this Court in Writ Petition No. 4536/2014 and other connected petitions decided on 14.08.2014.

2 Petitioner is in receipt of tribe certificate certifying that he belongs to 'Koli Mahadeo' Scheduled Tribe and the same was forwarded to the Scrutiny Committee for verification. The Scrutiny Committee, however refused to verify the same on the ground that the spelling of word 'Mahadev' has been incorrectly recorded in the certificate. It is observed that the Committee has adopted a hyper technical approach in many matters and refused to verify the tribe certificates as a result of which hundreds of certificate holders are required to knock the doors of this Court for seeking relief. This attitude of the Committee has not only put certificate

holders in inconvenience but has generated unnecessary litigation. In the instant matter also, the Committee has adopted the same erroneous approach.

3 In the circumstances, we directed the Sub-Divisional Officer, Dharmabad to issue correct tribe certificate recording correct spelling of the tribe which shall be in consonance with the Constitutional Order. Petitioner shall produce photostat or certified copy of the tribe certificate, which he earlier submitted to the Scrutiny Committee, before the concerned Sub-Divisional Officer. The Scrutiny Committee, on approach of the petitioner, shall issue copy of the tribe certificate or photostat copy of the same which he earlier produced for verification before the Scrutiny Committee within seven days from the date of approach of the petitioner. On production of certified copy or photostat copy of the tribe certificate before the Sub-Divisional Officer, the concerned Sub-Divisional Officer, without any further enquiry in the matter, shall issue tribe certificate in prescribed proforma certifying that petitioner belongs to 'Koli Mahadev' Scheduled Tribe, within three days from the date of approach of the petitioner. The Sub-Divisional Officer as well as the Scrutiny Committee, while verifying the tribe certificate that would be produced by the petitioner for verification to the Scrutiny Committee, shall be mindful of the fact that the children of the petitioner have already been issued validity certificate and shall process the claim accordingly. Petitioner shall produce the tribe certificate alongwith necessary proposal directly to the Scrutiny Committee which shall be accepted by the Scrutiny Committee and the Committee shall proceed to complete the process of verification as expeditiously as

possible, preferably within a period of six months from the date of receipt of the proposal. In the meanwhile, no coercive steps be taken against petitioner on the ground of his failure to furnish validity certificate.

4 With the directions as above, writ petition stands disposed of.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE

dyb