

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6869 OF 2015

Shashin Atmaram Morekar
Aged 48 years, residing at
Chendani Koliwada, Thane
Dist. Thane.

... Petitioner.

Versus

1. State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.

2. Municipal Corporation of
Greater Mumbai through
its Administrative Officer
(Traffic), Having its office at
Ground Flr. Dr. E. Mojes Road,
Worli, Mumbai.

3. Scheduled Tribe Certificate
Scrutiny Committee, Konkan
Division, Thane, through its
Member Secretary having its
office at Vartak Nagar Ward
Committee Office, Vedant
Complex Opposite Kores
Co. Vartak Nagar, Thane (W),
District Thane.

... Respondents.

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Mr. R.K. Mendadkar for the Petitioner.

Mr. C.P. Yadav, AGP for Respondent Nos. 1 and 3.

Mr. Pradeep Patil i/b. Mr. U.H. Deshpande for Respondent No.2.

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***CORAM : R.M.BORDE &
R.G. KETKAR, JJ.***

DATE : 10th JANUARY, 2018

ORAL JUDGMENT (Per R.M. Borde, J.) :

1. Heard.
2. Rule. With the consent of the parties, the petition is taken up for final disposal at admission stage.
3. The validation claim tendered by the petitioner for verification of the tribe certificate issued to the petitioner by the Scrutiny Committee, is turned down merely on the ground that the name of the tribe mentioned in the certificate as 'Mahadev Koli' has not in consonance with the relevant entry no.29 of the Constitution (Scheduled Tribe) Order, 1950.
4. The issue raised in the instant matter is no more *res-integra* and is covered by the decision rendered in Writ Petition no. 4536 of 2014, decided by the Division Bench at Aurangabad on 14.08.2014.
5. For the reasons recorded in the judgment referred to above, instant petition also deserves to be allowed and the same is accordingly allowed in the following terms.
 - (a) The petitioner, in this petition, may approach the concerned Scrutiny Committee for issuance of photostate copy of the tribe certificate produced by him

for verification, within a period of four weeks from today. The Scrutiny Committee, on receipt of such application, issue attested / authenticated copy of the tribe certificate produced by the petitioner for verification to the Committee.

(b) The petitioner, on receipt of a photostat / authenticated copy of the tribe certificate, shall tender an application to the Sub-Divisional Officer / competent authority for issuance of the tribe certificate in consonance with the relevant entry as per the Constitutional Order i.e. certifying that petitioner is member of 'Koli Mahadev' tribe, in prescribed proforma within a period of four weeks from the date of receipt of the certified / authenticated copy of tribe certificate from the Scrutiny Committee.

(c) The Sub-Divisional Officer, on receipt of the application shall, without embarking upon further inquiry in the matter shall issue tribe certificate, certifying that the petitioner belongs to 'Koli Mahadev', Scheduled Tribe within a period of four weeks from the date of receipt of the application.

(d) On receipt of the corrected tribe certificate, the petitioner shall produce the same together with the proposal in prescribed proforma directly to the Scrutiny Committee within a period of six weeks.

(e) The Scrutiny Committee shall accept the proposal for verification of tribe certificate that would be produced by the petitioner directly and shall not insist upon the petitioner to present the same through the concerned department.

(f) On receipt of the proposal, the Scrutiny Committee shall proceed to deal with the validation claim in accordance with the provisions of law and shall decide the matter after extending the opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of eight months from the date of receipt of the proposal.

(g) During the pendency and disposal of the validation claim with the Scrutiny Committee, the respondent-department shall not take any coercive action against the petitioner.

6. Rule is made absolute accordingly. There shall be no order as to costs

(R.G. KETKAR)
JUDGE

(R.M. BORDE)
JUDGE