

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.1854 OF 2019

Yash Suresh pakalwad,
Age-Minor, Occu:Student,
Under Guardianship of Father
Suresh Ramkishan Pakalwad,
Age-48 years, Occu:Service,
R/o-At Post-Islampur,
Tq-Kinwat, Dist-Nanded.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32,
- 2) The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Member Secretary,
- 3) The Sub-Divisional Officer,
Kinwat, Tq-Kinwat,
Dist-Nanded.

...RESPONDENTS

...

Mr.M.A. Golegaonkar Advocate for Petitioner.
Mr.S.Y. Mahajan, A.G.P. for Respondents.

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**CORAM: S.S. SHINDE AND
R.G. AVACHAT, JJ.**

DATE : 11TH FEBRUARY, 2019

ORDER :

1. Heard learned counsel appearing for the Petitioner and learned A.P.P. appearing for the Respondents.

2. The issue involved in the present Writ Petition is no longer res-integra and is decided by this Court vide order dated 14th August, 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, in this Petition, may approach the concerned Scrutiny Committee for issuance of photostat copy of the caste/tribe certificate produced by him for verification, within a period of four months from today. The Scrutiny Committee, on receipt of such application, issue attested/authenticated copy of the caste/tribe certificate produced by the Petitioner for verification to the Committee.

(b) The Petitioner, on receipt of photostat copy of the caste/tribe certificate, shall approach the concerned Sub Divisional Officer/ competent authority with an application 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 Petitioner 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 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 Petitioner, 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 Petitioner 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, Petitioner shall approach the concerned Scrutiny Committee with a proposal in prescribed proforma requesting the Scrutiny Committee to verify the Tribe Certificate and consider the 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 caste

certificate from the competent authority.

(f) On receipt of the proposal from the Petitioner, 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 proposal directly and shall not refuse to accept the proposal on the ground that same has not been routed through proper channel, either employer or educational institution.

(h) The concerned education institution/college/ or the employer shall not take any adverse action against the Petitioner only on the ground of his 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. The Writ Petition stands disposed of,
accordingly. No costs.

[R.G. AVACHAT, J.]

[S.S. SHINDE, J.]

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