

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO.4915 OF 2014

Sunil s/o. Nago Ladke
Age 33 years, Occu. Agri.,
R/o. Wadgaon, Tq. Soyegaon,
Dist. Aurangabad.

...Petitioner.

Versus

1. The State of Maharashtra
Through the Secretary to
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate
Verification Committee, Aurangabad
Through Deputy Director (R),
Aurangabad.

3. The Collector, Aurangabad.

...Respondents.

...
Advocate for Petitioner : Mr. V.P. Latange
AGP for Respondents 1 & 3 : Mr. S.N. Morampalle
...

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

DATED : 8th January, 2019.

JUDGMENT :

- 1) Rule. Rule made returnable forthwith.
- 2) The petition is filed for challenging the order made by the Caste Scrutiny Committee, Aurangabad by which the claim of the petitioner that he belongs to 'Mahadev Koli' is

rejected by the Caste Scrutiny Committee. Both the sides are heard.

3) This Court has carefully gone through the order made by the Caste Scrutiny Committee. The Committee has referred the caste described in Schedule Tribe Order for Maharashtra State at Sr. No.29 as 'Koli Mahadev', when the claim of the petitioner is that he belongs to the same caste, caste mentioned in Scheduled Tribe Order at Sr. No. 29, though in the caste certificate it is mentioned as 'Mahadev Koli'. The learned counsel for petitioner placed reliance on the decision given by this Court in Writ Petition No. 6288/2017 (Maroti s/o. Pralhad Koli Vs. The State of Maharashtra and Ors.) decided on 4.5.2017. In similar circumstances, when the Committee refused to scrutinize the claim by giving similar reason, this Court gave direction to the committee to do the needful and follow the procedure for scrutiny of the caste claim. As the decision was rendered in similar circumstances, this Court holds that similar directions need to be given in present matter.

4) In the result, the petition is allowed and disposed of in following terms :-

i) The petitioner may approach the concerned Committee by an application for issuance of Photostat copy of the Caste/tribe certificate produced by him for verification, within a period of one month from today.

ii) On receipt of such application, the Committee, shall issue attested/authenticated copy of caste/tribe certificate produced by the petitioner for verification to the Committee within seven days.

iii) The petitioner, on receipt of the 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, indicating correct tribe i.e. "Koli Mahadev"; and on receipt of such application, the concerned authority shall issue caste/tribe certificate within a period of four weeks from the date of receipt of the application.

iv) On receipt of the tribe certificate issued by the competent authority, the petitioner shall produce the same for its verification to the concerned Scrutiny Committee within a period of six weeks together with the proposal, in proper format.

v) On receipt of the proposal in respect of the verification/ validation of the caste/tribe certificate, the concerned Scrutiny Committee shall, in observance of the procedure prescribed in law and after extending an

opportunity of hearing to the petitioner and all other concerned, proceed to decide the validation claim of the petitioner, as expeditiously as possible, preferably within a period of eight months from the date of receipt of the proposal.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/