

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

WRIT PETITION NO. 5128 OF 2014

Bhimrao Bhaorao Dhondge,
Age 56 years, Occu. Service,
R/o. At Kandari Ambad Post
Antarwadi Tembi, Tq. Ghansaungi,
Dist. Jalna.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe, Caste
Certificate Scrutiny Committee,
Aurangabad Division,
Aurangabad.
3. Chief Executive Officer,
Zilla Parishad, Jalna.

....Respondents.

...
Advocate for Petitioner : Mr. Bayas Anandsing
AGP for Respondent 1 : Mr. S.P. Tiwari
Advocate for Respondent 3 : Mr. U.S. Mote
...

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**
DATED : 23/01/2019.

ORAL JUDGMENT :

- 1) Rule. Rule made returnable forthwith. Heard both
the sides for final disposal.

2) The petition is filed for challenging the order of Caste Scrutiny Committee which rejected the caste claim of the petitioner. The submissions made show that during pendency of the present proceeding, the petitioner retired due to superannuation on 30.4.2018. Learned counsel Shri. Bayas submitted on instruction that petitioner was appointed as against open category post and not as against reserved category post and due to that, he is entitled to get pension, but the pension is withheld. The learned AGP representing Caste Scrutiny Committee submitted that the proceeding can be disposed of in terms of order made by this Court in the case reported as **2015(4) Mh.L.J. 890 [Prakash s/o. Subhash Bhople Vs. Deputy Collector (General), Latur and Ors.]**. In view of the submissions made, the order is made in terms of para No. 18 of the case cited supra and it is as under.

"18. For the reasons recorded above, 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.

(a) The petitioners, in these petitions, may approach the concerned Scrutiny Committees

for issuance of photostat copy of the caste/tribe certificate produced by them for verifications, within a period of four months from today. The Scrutiny Committee, on receipt of such applicants, issue attested/authenticated copy of the caste/tribe certificate produced by respective petitioners for verification to the Committee.

(b) The respective petitioners, 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 even earlier caste certificates had been issued by the Executive Magistrates, it would be open for the petitioners 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/s 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

applications by respective petitioners, 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 respective petitioners belong to 'Koli Mahadev', Scheduled Tribe. The Sub Divisional Officers/Competent Authority shall issue certificate within a period of four weeks from the date of receipt of the applications.

(e) On receipt of Tribe certificates, respective petitioners, shall approach the concerned Scrutiny Committees with a proposal in prescribed proforma requesting the Scrutiny Committees to verify the Tribe Certificate and consider their applications for issuance of validity certificates. The respective petitioners shall approach the Scrutiny Committee within a period of eight weeks from the date of receipt of the caste certificate from the the competent authority.

(f) On receipt of the proposal from respective petitioners, 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 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 institutions.

(h) The respective education institutions/colleges or the employers shall not take any adverse action against any of the petitioners only on the ground of their 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 judgment."

With the aforesaid direction, the present petition is disposed of.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/