

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6738 OF 2016

Ku. Shambala S/o Baburao Dasarwad
Age: 17 Yrs., Occu: Student,
Since Minor
Through his Natural Guardian
Shri Baburao Laxman Dasarwad
Age: 56 Yrs. Occ: Agri,
R/o. At Rajapur, Post: Karkheli
Tq. Dharmabad 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 Division
Aurangabad
Through its Member Secretary
3. The Deputy Collector(LA) B&C,
Collector Office, Nanded
Dist: Nanded
4. The Principal,
Shri. Chatrapati Shivaji High School
And Jr. Collage, Shardanagar, Sagroli
Tq: Biloli, Dist. Nanded

RESPONDENTS

Mr Adhip Ghosh, Advocate for and on behalf of Talekar &
Associates for the petitioner;
Mr K.N. Lokhande, A.G.P. for respondent/State;
Mr S.N. Boiwar, Advocate for respondent No.4;

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATED : 28th NOVEMBER, 2019

ORAL ORDER:

Heard learned Counsel for the petitioner, learned A.G.P. for respondent Nos. 1 to 3 and learned Counsel for respondent No.4.

2. The order was passed by the Scrutiny Committee dated 18th April, 2016, whereby the tribe certificate issued in favour of the petitioner referring the social status of the petitioner as 'Mahadev Koli', Scheduled Tribe was subjected to validation. The Scrutiny Committee by its order cancelled the certificate issued in favour of the petitioner and further directed its confiscation and at the same time, the petitioner was granted liberty to obtain certificate bearing proper nomenclature and to submit the same to the Scrutiny Committee for validation afresh.

3. Now, the issue is no more *res integra*. Learned Counsel for the petitioner as well as learned A.G.P. admits this position. Learned Counsel for the petitioner invited our attention to the judgment of this Court in the matter of ***Prakash s/o Subhash Bhopale vs Deputy Collector (General), Latur and others***, reported in **2015 (4) Mh.L.J. 890** as well as to unreported judgment in the matter of ***Anil Santosh More vs The State of Maharashtra in Writ Petition No. 4968 of 2014*** and connected petitions, decided on 10th October, 2016 (Coram: R.M. Borde & K.K. Sonawane, JJ.).

4. The Division Bench of this Court in the matter of ***Prakash Bhopale*** (supra) while upholding the view taken by the Scrutiny Committee permitted the petitioner to approach the concerned Scrutiny Committee for issuance of photostat copy of the certificate produced by the petitioner for verification within stipulated period. Other directions are find place in sub clauses (a), (b),

(c), (d), (e), (f), (g) and (h) of paragraph-18 and sub clauses (a), (b), (c) and (d) of paragraph-3 in the matter of **Anil More** (supra).

5. We see no reason to take a different view than the view adopted by the Division Bench in the above referred matters. Resultantly, the petition is disposed of with following directions:

a) Petitioner may approach the concerned Scrutiny Committee for issuance of photostat/true copy of the tribe certificates produced by them for verification, within a period of two months from today. The Scrutiny Committee, on receipt of such application, issue true copy/certified copy of the tribe certificate produced by the petitioner for verification to the committee, within a period of four weeks from the date of receipt of such application.

b) On receipt of photostat/certified copy of the tribe

certificate, petitioner shall approach the Sub-Divisional Officer/Competent Authority, with an application for issuance of tribe certificate within a period of six weeks, thereafter.

c) On receipt of tribe certificate, petitioner shall tender the certificate with the proposal in the prescribed proforma to the Scrutiny committee within a period of eight weeks and, the Scrutiny Committee shall proceed to determine the claim for verification of the tribe certificate in accordance with the provisions of law and render decision as expeditiously as possible, preferably within a period of eight months from the date of receipt of the proposal.

d) In the meanwhile, no adverse action shall be taken against practitioner merely on the ground of failure to submit validation certificate, and it would be open for the employers/education institute to take appropriate steps in the event of failure of petitioner to

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substantiate her claim and to secure validation
certificate.

[ANIL S. KILOR, J.]

[PRASANNA B. VARALE, J.]

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