

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

WRIT PETITION NO.6403 OF 2019

Anil Manik Jangle ... Petitioner.
V/s.
The Chairman,
Scheduled Tribe Certificate
Scrutiny Committee & Others ... Respondents.

Mr.Nitin Gangal with Mr.Prabhavatsan Balan for the Petitioner.
Mr.Rushabh Sheth with Sakshi Sharma i/b M/s.Bodhanwalla &
Co. for Respondent No.2.
Mr.S.B.Kalel AGP for the Respondent- State.

**CORAM : R. M. BORDE AND
N. J. JAMADAR, JJ.
DATE : 20TH JUNE, 2019.**

P.C.:

- 1] Heard.
- 2] Rule. Rule made returnable forthwith. With consent of the parties, the petition is taken up for final hearing.
- 3] The petitioner claims to belong to Koli-Mahadev, Schedule Tribe. He is in receipt of certificate issued by the Executive Magistrate, Palghar on 14th September, 1979 certifying that he belongs to Hindu Mahadev-Koli tribe. The entry of the tribe recorded in the certificate is not in consonance with the Constitution (Scheduled Tribes), Order 1950, as such, the petitioner was called upon to secure the correct tribe certificate from the Competent Authority and submit the same for verification. The petitioner states that he was employed in Rastriya Chemical and Fertilizers Ltd. in the year 1991 as against seat reserved for the Scheduled Tribe category. Since the petitioner could not submit validation

certificate, inspite of several reminders issued by employer his services have been recently terminated. The petitioner has already tendered an application to the Sub-Divisional Officer requesting him to issue the tribe certificate indicating that he belongs to Koli-Mahadev tribe. The Sub-Divisional Officer has, however, communicated to secure entry in the certificate issued by the Executive Magistrate, Palghar in the year 1979 corrected and to submit corrected certificate. The direction issued is unnecessary for the reason that the Executive Magistrate is no more competent to issue tribe certificate. It would be open for the Sub-Divisional Officer to independently scrutinise the claim of the petitioner for issuance of tribe certificate and take appropriate decision.

4] In the circumstances, this petition stands disposed of with direction to the Sub-Divisional Officer to take decision on the application tendered by the petitioner on 23rd August, 2018 for issuance of tribe certificate in accordance with the provisions of law as expeditiously as possible and preferably within a period of three months and it is, accordingly, directed. The Sub-Divisional Officer shall take decision on consideration of material that would be placed before him by the petitioner and without insisting upon the petitioner to seek correction in the tribe certificate issued by the Executive Magistrate in the year 1979.

5] Rule is, accordingly, made absolute in the aforesaid terms. There shall be no order as to costs.

(N. J. JAMADAR, J.)

(R. M. BORDE, J.)