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

WRIT PETITION NO.8708 OF 2016

Appasaheb s/o Bhimrao Koli	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

WITH
WRIT PETITION NO.8707 OF 2016

Suresh s/o Bhimrao Koli	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

WITH
WRIT PETITION NO.851 OF 2017

Renuka w/o Prakash Raje @ Renuka d/o Ramchandra Yatkar	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

WITH
WRIT PETITION NO.9428 OF 2015

Sunil s/o Dattatray Kore	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

WITH
WRIT PETITION NO.8709 OF 2016

Tai D/o Manik Koli	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

Mr. Pratap V. Jadhavar, Advocate for the Petitioner in all Writ Petitions.

Mr. V. M. Mali, AGP for Respondent Nos.1 to 3 in all Writ Petitions.

**CORAM: B. R. GAVAI &
DAMA SESHADRI NAIDU, JJ.**

DATE: 14th MARCH, 2019

ORAL JUDGMENT: (Per B.R. Gavai, J.)

1] Writ Petition No 9428 of 2015 and Writ Petition No.851 of 2017 are not on board. Upon mentioning, they are taken on board.

2] Rule. Rule is made returnable forthwith. Heard finally with the consent of learned Counsel for respective parties.

3] Petitioners have approached this Court being aggrieved by the orders passed by the Scrutiny Committee, thereby confiscating the Caste Certificates of the Petitioners issued to them, which certify the Petitioners' Tribe to be "Mahadev Koli". The ground on which the orders for confiscation have been passed is that, in the Presidential Order, the Tribe is notified as "Koli Mahadev" and not "Mahadev Koli".

4] A Division Bench of this Court in the case of *Prakash s/o Subhash Bhople vs. Deputy Collector (General), Latur and others*¹ by an elaborate judgment, has considered the issue and held that it was impermissible to reject the claim of the candidate only on the ground that the Caste Certificate mentions the name of the Tribe as “Mahadev Koli” and not “Koli Mahadev”.

5] In view of the view taken by the Division Bench of this court in the case of *Prakash Subhash Bhople* (supra), we are inclined to allow these Petitions in the following terms :-

“(a) The petitioners may approach the concerned Scrutiny Committees for issuance of photostat copy of the caste/tribe certificate produced by them 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 petitioners for verification to the Committee.

(b) The petitioners, on receipt of photostat copy

¹ 2015(4) Mh.L.J. 890

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 petitioners to tender an application to the Sub Divisional Officer of the concerned Division and such officer shall entertain the application shall issue caste certificate/s in the prescribed proforma on verifying attested/authenticated photostat coy of the earlier caste certificate.

(d) The concerned Sub Divisional Officer/Competent Authority, on receipt of the applications by the 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 the 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 application.

(e) On receipt of Tribe certificate, the 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 application for issuance of validity certificates. The petitioners 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 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 proposals/applications.

(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 education institution/college or the

employer shall not take any adverse action against 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 order.”

6] Rule is made absolute in the aforesaid terms. However, there shall be no order as to costs.

(DAMA SESHADRI NAIDU, J.)

(B. R. GAVAI, J.)