

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1421 OF 2020

VILAS SHEKHA NILKANTH ...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr P.V. Jadhavar, Advocate for Petitioner
Mr S.B. Narwade, AGP for Respondents-State

AND

WRIT PETITION NO.1457 OF 2020

GOVIND VITTHALRAO DESHMUKH ...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr P.V. Jadhavar, Advocate for Petitioner
Mr P.S. Patil, Additional Government Pleader for Respondents-
State

AND

WRIT PETITION NO.1458 OF 2020

KALIDAS DATTU KORE ...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS ...RESPONDENTS

Mr P.V. Jadhavar, Advocate for Petitioner
Mr S.G. Karlekar, Assistant Government Pleader
for Respondents-State

**CORAM : S.V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 22ND JANUARY, 2020

PER COURT :

1] Heard. Issue notice to respondents. The learned Addl. and Asstt. G. P. waives notice for respondents.

2] The issue involved in the present matters is no longer res integra in view of the judgment of Division Bench of this Court in Writ Petition No.4536 of 2014 and other connected matters dated 14th August, 2014.

3] In view of the above, we also adopt the same course.

4] 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, as follows:

(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 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 2 (two) 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 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 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 his application for issuance of validity certificates. The petitioners shall approach the Scrutiny Committee within a period of 4 (four) 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.

5] The writ petitions stand disposed of accordingly. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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