

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

925 WRIT PETITION NO.11864 OF 2021

VAISHALI DHADAKU KOLI @ RUCHIRA RAVINDRA KOLI
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner: Mr. Jadhavar Pratap V.

AGP for Respondents/State: Mr. S. B. Pulkundwar

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**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE: 26th OCTOBER, 2021

PER COURT:

1. Heard. Issue notice to the respondents. The learned A.G.P. waives service of notice for the respondents.

2. The issue involved in the present matter 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 14.08.2014.

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

4. The 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 petitioner may approach the concerned scrutiny committee for issuance of photostat copy of the caste / tribe certificate produced by him 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 the petitioner for verification to the Committee.

(b) The petitioner, 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 two weeks, thereafter.

(c) In the event earlier caste / tribe certificate had been issued by the Executive Magistrate, it would be open for the petitioner to tender an application to the Sub Divisional Officer of the concerned Division and such officer shall entertain the application and shall issue caste / tribe certificate in the prescribed proforma on verifying attested / authenticated photostat copy of the earlier caste / tribe certificate.

(d) The concerned Sub Divisional Officer/Competent Authority, on receipt of the application by petitioner, 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 petitioner belongs to 'Tokre Koli', Scheduled Tribe. The Sub Divisional Officer/Competent Authority shall issue

certificate within a period of four weeks from the date of receipt of the application.

(e) On receipt of caste / tribe certificate, the petitioner, shall approach the concerned scrutiny committee with a proposal in prescribed proforma requesting the scrutiny committee to verify the caste / tribe certificate and consider her application for issuance of validity certificate. The petitioner shall approach the scrutiny committee within a period of four weeks from the date of receipt of the caste / tribe certificate from the competent authority.

(f) On receipt of the proposal from the petitioner, 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 proposal directly and shall not refuse to accept the proposal on the ground that same has not been routed through proper channel, either employer or educational institution.

(h) The education institution / college or the employer shall not take any adverse action against the petitioner only on the ground of 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. Writ Petition accordingly stands disposed of.

No costs.

[R. N. LADDHA, J.]
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[S. V. GANGAPURWALA, J.]