

A

KUM. MADHURI PATIL AND ANR.

v.

ADDL. COMMISSIONER, TRIBAL DEVELOPMENT,
THANE AND ORS.

B

APRIL 28, 1997

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

C

*Social Status Certificate—Direction No. (4) in this Court's judgment dated 2.9.1994 * modified—There will be three Scheduled Tribe Caste Scrutiny Committees, comprising of five members with coram of three members to take a decision, at Pune, Nasik and Nagpur—Six caste scrutiny Committees for SCs, Denotified Tribes, Nomadic Tribes, Other Backward Classes and Special Backward Category in existence at Mumbai, Pune, Nasik, Aurangabad, Amravati and Nagpur would continue—Further directions also given.*

D

**Km. Madhuri Patil & Anr. v. Addl. Commissioner, Tribal Development Thane & Ors., [1994] Suppl. 3 SCR 50, referred to.*

CIVIL APPELLATE JURISDICTION : I.A. No. 3 of 1996.

IN

E

Civil Appeal No. 5854 of 1994.

From the Judgment and Order dated 17.8.93 of the Bombay High Court in W.P. No. 1849 of 1993.

F

S.K. Dholakia, (S.M. Jadhav) for A.S. Bhasme for the Appellants.

Ashok Kumar Gupta for the Respondents.

The following Order of the Court was delivered :

G

This application has been filed to recall the judgment giving various directions; and to substitute in their place the directions sought for in the prayer clause of the application.

H

As regards the first prayer to recall the Order dated September 2, 1994 with regard to the grant of the caste certificates, we do not think that it is advisable to recall the order for the reason that this Court had

deliberated upon the issue and entrusted the power to issue certificates of social status to a higher officer, namely, Sub-Divisional Officer, who is expected to objectively go into the question and grant or refuse to grant social status certificates. Accordingly, we reject prayer (a). A

As regards prayer (b) read with direction No. (iv) of the Order of this Court, we too appreciate the inconvenience caused due to vast area of the State. Therefore, instead of one committee of three officers, there will be three Scheduled Tribe Caste Scrutiny Committees comprising of five members with quorum of three members, as suggested in paragraph 4 of the direction, to take a decision. At Pune, Nasik and Nagpur, Six Caste Scrutiny Committees for SCs., Denotified Tribes, Nomadic Tribes, Other Backward Classes and the Special Backward Category in existence at Mumbai, Pune Nasik, Aurangabad, Amravati and Nagpur would continue to scrutinise the certificates issued by the respective officers and take decision in that behalf. In this regard, it is also suggested by Shri Dholakia, learned senior counsel for the applicant that in case any certificate has been wrongfully refused by the certificate issuing authority, the aforesated Committees also would go into the question and decide in that behalf, whether refusal was wrongful and in case it finds that the refusal was wrongful, they are at liberty to direct the authority to grant the certificate. B C D

With regard to prayer (c) also, we feel that the Caste Scrutiny Committees for Social Welfare, Cultural Affairs and Sports Department should comprise of Additional Commissioner (Revenue) - Chairman of the concerned Revenue Division; Divisional Social Welfare Officer-Member; and Research Officer as a Welfare Officer-Member-Secretary to function in that behalf. E

With regard to prayer (d), along with the Vigilance Cell, one Research Officer/Tribal Development or Social Welfare Officer would be associated in finding the social status of eligibility of the officers. F

The Application is accordingly ordered. No costs. G

R.P.

Petition disposed of.