

Kum. Madhuri Patil & Anr vs Add1. Commnr., Tribal Development, ... on 28 April, 1997

Equivalent citations: AIR 1997 SUPREME COURT 2581, 1997 (5) SCC 437, 1997 AIR SCW 2532, 1997 (4) SCALE 258, (1997) 5 JT 643 (SC), 1997 (5) JT 643, (1997) 3 SCR 1056 (SC), (1997) 5 SUPREME 201, (1997) 4 SCALE 258, (1997) 4 SERVLR 585, (1998) 1 BOM CR 479

Bench: K. Ramaswamy, D.P. Wadhwa

PETITIONER:

KUM. MADHURI PATIL & ANR.

Vs.

RESPONDENT:

ADD1. COMMNR., TRIBAL DEVELOPMENT, THANE & ORS.

DATE OF JUDGMENT: 28/04/1997

BENCH:

K. RAMASWAMY, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:

O R D E R 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.

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).

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 directions, 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 aforesaid 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 and in case it finds that the refusal was wrongful, they are at liberty to direct the authority to grant the certificate.

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; and Research officer as a Welfare officer-Member-Secretary to function in that behalf.

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.

The Application is accordingly ordered. No. costs.