

Kumari Madhuri Patil and Another

Vs

Addl. Commr., Tribal Development, Thane and Others

I.A. No. 3 of 1996 in Civil Appeal No. 5854 of 1994

(K. Ramaswamy, D. P. Wadhwa JJ)

28.04.1997

ORDER

1. 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.
2. As regards the first prayer to recall the Order dated 2-9-1994 (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).
3. 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 Schedule Tribe/Caste Scrutiny Committees comprising of five members with quorum of three members, as suggested in para 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 a 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, they are at liberty to direct the authority to grant the certificate.
4. 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 Revenue Division concerned; Divisional Social Welfare Officer-Member; and Research Officer as a Welfare Officer-Member-Secretary to function in that behalf.
5. 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.
6. The application is accordingly ordered. No costs.