

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

WRIT PETITION NO.1242 OF 2016

Vijaya d/o Govindrao Machkure
age minor, Occ. Education,
R/o Sharda Nagar, Degloor,
Tq. Degloor, Dist. Nanded
through father/ natural guardian
Govindrao s/o Dnyanoba Machkure,
Age 50 years, Occ. Service,
R/o Sharda Nagar, Degloor,
Tq. Degloor, Dist. Nanded ... PETITIONER

VERSUS

1. The State of Maharashtra
through Secretary to
Tribal Development Department,
Mantralaya, Mumbai.
2. The Sub-Divisional Officer,
Degloor, Tq. Degloor,
Dist. Nanded. ... RESPONDENTS

.....
Shri S.M. Vibhute, Advocate for petitioner
Shri A.B. Girase, Govt. Pleader for State
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W I T H

WRIT PETITION NO.1418 OF 2016

Gajanan s/o Ramrao Mudiraj
Age 29 years, Occ. Nil,
R/o Bapu Nagar, Degloor,
Tq. Degloor, District Nanded. ... PETITIONER

VERSUS

1. The State of Maharashtra
through Secretary to
Tribal Development Department,
Mantralaya, Mumbai.
2. The Sub-Divisional Officer,
Degloor, Tq. Degloor,
Dist. Nanded.

... RESPONDENTS

.....
Shri S.M. Vibhute, Advocate for petitioner
Shri A.B. Girase, Govt. Pleader for State
.....

CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.

DATED: 4th February, 2016.

ORAL JUDGMENT (PER : R.M. BORDE, J.):

1. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, writ petitions are taken up for final hearing at the admission stage.

2. The petitioners tendered applications to the Sub-Divisional Officer, Degloor along with tribe certificates issued to them, indicating their tribe as "Mahadeo Koli" and requested the Sub-Divisional Officer to issue corrected tribe certificates indicating the tribe as "Koli Mahadeo".

3. It cannot be controverted that the tribe mentioned at Sr.No.29 in the Constitutional (Scheduled Tribe) Order, 1950 is Koli Mahadeo and not Mahadeo Koli. It is also a matter of record that since the certificates issued to certain individuals belonging to the aforesaid tribe, when referred to the Scrutiny Committee for verification, the Scrutiny Committee adopted the view that the description of the tribe is incorrectly recorded in the tribe certificate and as such, directed invalidation of the claim with liberty to the concerned individuals to secure certificate in proper proforma and re-submit such certificate for verification.

4. In the instant matters, before approaching to the Scrutiny Committee, the petitioners have approached the Sub-Divisional Officer with a request to effect corrections in the tribe certificates issued to them. It was reasonable and appropriate for the Sub-Divisional Officer to issue corrected tribe certificates so as to facilitate the petitioners to tender the proposals to the Scrutiny Committee. However, instead of adopting a logical and reasonable practice, the Sub-Divisional Officer has instructed the petitioners to secure orders from the Court. It is not known as to what orders are within contemplation of the Sub-Divisional

Officer. It also cannot be denied that the petitioners have been issued the tribe certificates earlier in observance of the due procedure. The only function that is reasonable and proper which is required to be performed by the Sub-Divisional Officer is to make necessary corrections and issue appropriate certificates within contemplation of the entry at Sr.No.29 contained in the Constitutional (Scheduled Tribe) Order, 1950.

5. In the facts of the case, the Sub-Divisional Officer, is directed to issue corrected tribe certificates to the petitioners as expeditiously as possible, preferably within a period of two weeks from today. It is further directed to the respondent No.1 to instruct all the Sub-Divisional Officers in the State entrusted with the functions of issuance of caste certificates to entertain the applications for making corrections in the caste certificates already issued. Upon tender of appropriate applications by the concerned certificate-holders, it shall not be insisted upon by the Sub-Divisional Officers to secure orders from the appropriate Court entitling an applicant to receive corrected tribe certificate. In fact, it is the function of the Sub-Divisional Officer to issue correct tribe certificate and if there are any errors in recording entries in the tribe certificate, those are required to be corrected

by the concerned authority itself. We direct the State Government to issue necessary instructions in consonance with the instant order within a period of three weeks from today so that the certificate-holders are not required to approach various authorities/ Courts for redressal of their petty grievances.

6. Rule is accordingly made absolute. There shall be no order as to costs.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)