

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

6 WRIT PETITION NO. 1014 OF 2017

POOJA SHIVAJI SARJE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondents: Mr. S.B. Yawalkar
...

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.
DATE : 21.06.2017.**

P.C. :-

. The petitioner's tribe certificate has been cancelled and confiscated by the Scrutiny Committee which was not assigned any such job or function at all. It was to scrutinize and verify the underlying claim namely whether the petitioner is a Scheduled Tribe Member and if at all she belongs to 'Koli Mahadev Scheduled Tribe'. The description of the tribe in the certificate or the spelling therein was not conclusive and decisive. The Scrutiny Committee had before it the notification and the description of the tribe, if the tribe is 'Koli Mahadev Scheduled Tribe' and the petitioner is claiming to be belonging to this tribe, then, the caste certificate brought for scrutiny and verification should have been probed by determining the claim.

2. The claim of the petitioner is kept aside and a fault finding exercise is carried out by the committee. The fault is not of the petitioner but that of the issuing authority. If it understands the tribe and the spelling of the tribe in a particular manner, it describes it and if it commits a spelling mistake, it does not mean that the petitioner must be visited with severe consequences. Precisely, that has been done. We set aside the impugned order and direct the committee now to verify the claim of the petitioner, in accordance with law, irrespective of whether the caste certificate carries any wrong spelling. The scrutiny and verification be done as expeditiously as possible and in accordance with law. The writ petition is accordingly disposed of.

3. The petitioner's admission to the Engineering Course should not be treated as cancelled only because of the order of the Scrutiny Committee, it will be subject to the petitioner producing the validity certificate pursuant to our directions.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]