

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

922 WRIT PETITION NO. 1513 OF 2017

SHUBHAM KISHANRAO BAGULWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Golegaonkar Madhur A.
AGP for Respondents/State : Mr. A.R. Kale

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

P.C. :-

. By virtue of the order dated 09.02.2017, the third respondent has issued a tribe certificate to the petitioner and in the corrected spelling.

2. It may be that the petitioner is seeking employment and his name is entered in the select list but is not appointed because of the understanding of the petitioner that he is not possessing the tribe / caste validity certificate issued by the competent Scrutiny Committee. The petitioner in this petition prayed for a direction to the second respondent committee to once again adjudicate the tribe claim of the petitioner on merits and not to refuse scrutiny of the tribe/caste certificate dated 31.05.2001 in which the name of the tribe / caste is wrongly written.

3. Now that a tribe certificate with correct spelling has been issued, we do not think that the reliefs in the alternative can be granted. The petitioner's employment is subject to his producing the tribe validity certificate. That will have to be issued by the competent Scrutiny Committee which is a party respondent to this petition. The committee refused to scrutinize the certificate forwarded to it and dated 31.05.2011 because it incorrectly spelt the tribe, now that a corrected tribe certificate is issued let that be forwarded to the committee, for scrutiny and verification, by the petitioner. It is open for the fourth respondent to appoint the petitioner, subject to the petitioner producing the validity certificate in future. However, we do not pass any order appointing the petitioner for that *Mandamus* can never be issued.

4. In the light of the fact that the petitioner relies upon the certificate of validity issued to his real sister, we request the second respondent committee to complete the process of verification and scrutiny of the petitioner's claim as expeditiously as possible and within a period of three months from the date of receipt of a copy of this order. Writ petition stands disposed of.

[MANGESH S. PATIL, J.]
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[S.C. DHARMADHIKARI, J.]