

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6046 OF 2017

Sanyukta Subhash Akoskar,
Age: 20 years, Occu: student,
R/o 27/280, In front of Nagar palika Shala
No.11, Samta Nagar, Osmanabad
Tq. & Dist. Osmanabad

Petitioner

Versus

- 1 The State of Maharashtra
through its Secretary,
Department of Tribal Development,
Mantralaya, Mumbai
- 2 The Scheduled Tribe Caste Scrutiny Committee,
Aurangabad Division, Aurangabad
- 3 Joint Director,
Technical Education,
Divisional Office, Pune
- 4 The Principal,
Cummins College of Engineering
for Women, Karvenagar, Pune 411 052

Respondents

Mr .A.S. Bayas advocate for the petitioner
Mr. S.G. Karlekar, Assistant Government Pleader for Respondents No.1
to 3

CORAM : **R. M. BORDE & S. M. GAVHANE, JJ.**

(Date: August 21, 2017)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken-up for final decision at admission stage.

3 The petitioner is taking exception to the decision rendered by the Scrutiny Committee, directing invalidation of the tribe certificates issued to her, certifying that she belongs to Koli Mahadev, scheduled tribe, on technical ground of occurrence of spelling mistake in writing the nomenclature of the tribe in the certificate issued by the concerned Sub Divisional Officer.

4 The issue raised in this petition is no more *res-integra* and is covered by the decision rendered in Writ Petition No.6263 of 2017 and other companion matters. For the reasons recorded in the Judgment referred to above, the instant petition also deserves to be allowed and the same is accordingly allowed.

5 The order impugned in the instant petition stands quashed and set aside. The Scrutiny Committee is directed to return the

original tribe certificate produced by the petitioner before it, within four weeks from today. The petitioner shall tender an undertaking to the Scrutiny Committee that, she would approach the concerned competent scrutiny committee for ratifying the spelling mistakes/discrepancies in recording the nomenclature of the tribe and shall produce the corrected certificate within a period of eight weeks from the date of receipt of the original certificate. The petitioner shall approach the concerned Sub Divisional Officer for recording corrections in the tribe certificate already issued to her. The concerned Sub Divisional Officer shall issue corrected certificate within a period of four weeks from the date of approach of the petitioner, without embarking upon any further enquiry in the matter. On receipt of corrected certificate, same shall be produced before the Scrutiny Committee, within a period of four weeks from the date of its receipt. The Scrutiny Committee shall, thereafter proceed to decide the claim of the petitioner for validation of the tribe certificate and render decision on the proposal, within a period of one year from the date of receipt of the corrected certificate together with proposal, if any. It would be open for the petitioner to tender the corrected certificate and the proposal directly to the Scrutiny Committee and the Scrutiny Committee shall entertain the same and shall proceed to decide the matter on its own merit and shall not

reject it on any technical ground.

6 Rule is made absolute in the above terms.

7 There shall be no order as to costs.

8 In the meanwhile, the respondents shall allow the petitioner to prosecute her further studies and no coercive action be taken against her, merely on the ground of invalidation of the tribe certificates on technical grounds.

(S. M. GAVHANE, J)

(R. M. BORDE, J)

vbd