

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

WRIT PETITION NO. 6404 OF 2017

Vitthal s/o. Sayyana Davewar .. Petitioner
Age.56 years, Occ. Service,
R/o. Pankaj-Nagar, Dhanegaon,
Tq. & Dist. Nanded.

Versus

1. State of Maharashtra .. Respondents
Secretary Tribal Dev. Dept.,
Mantralaya, Mumbai – 32.
2. Executive Magistrate,
Biloli, Nanded.
3. Scheduled Tribe Certificate
Scrutiny Committee, A'bad,
Through Vice Chairman.
4. Block Education Officer,
Panchayat Samiti, Nanded.

Mr.S.M. Kulkarni, Advocate for the petitioner.
Mr.S.G. Karlekar, A.G.P. for the respondents/State.

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

DATED : 31.08.2017

ORAL JUDGMENT [PER : R.M. BORDE, J.] :-

1. Heard. Leave to amend. The amendment be
carried out forthwith.

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

3. This petition is taking exception to the decision rendered by the Scrutiny Committee directing invalidation of Tribe Certificate issued to the petitioner as belonging to "Koli-Mahadev" - Scheduled Tribe on technical ground of occurrence of spelling mistake in recording name of the Tribe in the Certificate issued to the petitioner by the Executive Magistrate, Biloli on 03.12.1989.

4. The issue raised in the instant matter 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 this 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 he would approach the concerned competent authority for ratifying the spelling mistake occurred in recording name of the Tribe and shall produce corrected certificate within a period of eight weeks from the date of receipt of the original certificate. The petitioner shall approach the Executive Magistrate, Biloli for recording corrections in the Certificate already issued to him. The Executive Magistrate, Biloli shall issue corrected certificate within a period of four weeks from the date of approach of the petitioner, without embarking upon 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 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 corrected Certificate together with the proposal. 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.

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

7. In the meanwhile, no coercive action be taken against the petitioner merely on the ground of invalidation of Tribe Certificate on technical ground.

[S . M . GAVHANE , J .]

[R . M . BORDE , J .]