

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

WRIT PETITION NO.6671 OF 2017

Devanand Pandurang Akoskar, .. Petitioner
Age : 25 years, Occu : Service,
R/o : Kolewadi, Tq. &
Dist. Osmanabad

VERSUS

1. The State of Maharashtra, .. Respondents
Through it's Secretary,
Tribal Department,
Mantralaya, Mumbai- 32
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer/
Magistrate, Osmanabad, Tq. Dist.
Osmanabad.
4. The Deputy Superintendant of Police,
Office of Deputy Superintendent
of Police, Osmanabad, Tq. & Dist
Osmanabad.

WITH

WRIT PETITION NO.6659 OF 2017

Maheshkumar Marotirao Tumawar, .. Petitioner
Age : 28 years, Occ.Service,
R/o : Degloor, Tq. Degloor
Dist. Nanded

Versus

1. The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai- 32 .. Respondents
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer/
Degloor, Tq. Degloor,
Dist. Nanded.
4. The Executive Engineer,
Maharashtra State Electricity
Distribution Company Limited,
Jalna, Tq. & Dist. Jalna.

WITH
WRIT PETITION NO. 6660 OF 2017

Nirmala Hanumantrao Marakwad, .. Petitioner
Age : 37 years, occ. Service,
R/o : Shekapur, Tq. Kandhar,
Dist. Nanded

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai- 32 .. Respondents
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer,
Kandhar, Tq. Kandhar,
Dist. Nanded.

4. The Chief Executive Officer,
Zilla Parishad, Hingoli,
Tal. & Dist. Hingoli

WITH
WRIT PETITION NO. 6661 OF 2017

Pradip Balasaheb Akoskar, .. Petitioner
Age : 29 years, Occu : Service,
R/o : Kolewadi, Tq &
Dist. Osmanabad

VERSUS

1. The State of Maharashtra, .. Respondents
Through it's Secretary,
Tribal Department,
Mantralaya, Mumbai- 32
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer/
Magistrate, Osmanabad, Tq. Dist,
Osmanabad.
4. The Superintendant,
Late. Shankarlal Mundada Matimand
Mulanche Balgruh, Jalna
Tq. & Dist. Jalna.

WITH
WRIT PETITION NO. 6662 OF 2017

Anna Madhav Koli, .. Petitioner
Age 28 years, Occu: Service,
R/o : Kawalewadi, Tq.

& Dist.Osmanabad.

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Tribal Department,
Mantralaya, Mumbai- 32 .. Respondents
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer/
Magistrate,Osmanabad,Tq. Dist,
Osmanabad.
4. The Divisional Controller,
Maharashtra State Road
Transportation Corporation,
Osmanabad, Tq. & Dist.Osmanabad.

WITH

WRIT PETITION NO. 6663 OF 2017

- Baban Vishnu Rao, .. Petitioner
Age : 46 years, Occu : Service,
R/o : Khedgaon, Tq. Ambad,
Dist. Jalna.

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Tribal Department,
Mantralaya, Mumbai- 32 .. Respondents
2. The Scheduled Tribe Certificate

Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)

3. The Sub-Divisional Officer/
Magistrate, Ambad, Tq. Ambad,
Dist. Jalna.
4. The Chief Executive Officer,
Zilla Parishad, Jalna,
Tq. & Dist. Jalna.

WITH
WRIT PETITION NO. 6664 OF 2017

Khanderao Malhari Yermunwad, .. Petitioner
Age : 44 years, Occu: Service,
R/o : Sunegaon, Tq. Kandhar,
Dist. Nanded.

VERSUS

1. The State of Maharashtra, .. Respondents
Through it's Secretary,
Tribal Department,
Mantralaya, Mumbai- 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer/
Magistrate, Kandhar, Tq. Kandhar,
Dist. Nanded.
4. The Headmaster,
Late. Vishwanathrao Nalage
Secondary and Higher Secondary
Vidyalaya, Vitthalwadi,
Tq. Loha, Dist. Nanded.

WITH
WRIT PETITION NO. 6665 OF 2017

Suksham Ambadas Chantampalle, .. Petitioner
Age : 33 years, Occu :Service,
R/o : Madansuri, Tq. Nilanga,
Dist. Latur

VERSUS

1. The State of Maharashtra, .. Respondents
Through it's Secretary,
Tribal Department,
Mantralaya, Mumbai- 32
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer/
Magistrate,Nilanga,Tq. Nilanga,
Dist.Latur.
4. The Chief Executive Officer,
Zilla Parishad, Osmanabad,
Tq. & Dist.Osmanabad.
5. The District Health Officer,
Zilla Parishad, Osmanabad
Tq. & Dist. Osmanabad.
6. The Medical officer,
Primary Health Centre,
Nay Chakur, Tq. Omerga,
Dist. Osmanabad.

WITH
WRIT PETITION NO. 6666 OF 2017

Gajanan Sudarshan Dumalwad,
Age : 23 years, Occu : Service,
R/o : Kandil, Tq.Bhokar,
Dist. Nanded

.. Petitioner

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Tribal Department,
Mantralaya, Mumbai- 32 .. Respondents
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer
Bhokar,Tq.Bhokar,Dist.Nanded.
4. The Commissioner of Police,
Thane, Tq. & Dist.Thane.

WITH

WRIT PETITION NO. 6667 OF 2017

Madan Sahebrao Sonwane,
Age : 49 years, Occu:
Service,R/o : Ramasgaon,
Tq.Ambad,Dist. Jalna,

.. Petitioner

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Tribal Department,
Mantralaya, Mumbai- 32 .. Respondents
2. The Scheduled Tribe Certificate

Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)

3. The Sub-Divisional Officer/
Magistrate, Ambad, Tq.Ambad
Dist.Jalna.
4. The Superintendent of Police,
Jalna, Tq. & Dist. Jalna.

WITH
WRIT PETITION NO. 6668 OF 2017

Keshav Dattataram Upawad, .. Petitioner
Age : 55 years, Occu : Service,
R/o : Mangalsangvi, Tq.Kandhar,
Dist. Nanded

VERSUS

1. The State of Maharashtra, .. Respondents
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai- 32
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer
Kandhar,Tq. Kandhar,
Dist.Nanded
4. The Superintendent of Police,
Nanded, Tq. & Dist. Nanded.

WITH
WRIT PETITION NO. 6669 OF 2017

Shriram Vyankoba Mardode, .. Petitioner

Age : 62 years, Occu: Service,
R/o : Joshisangvi, Tq. Kandhar,
Dist. Nanded

VERSUS

1. The State of Maharashtra, .. Respondents
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai- 32
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer
Kandhar, Tq.Kandhar,
Dist. Nanded.

WITH

WRIT PETITION NO. 6670 OF 2017

Sheshrao Deorao Pupalwad, .. Petitioner
Age : 57 years, Occu: Service,
R/o : Bachoti, Tq. Kandhar,
Dist. Nanded.

VERSUS

1. The State of Maharashtra, .. Respondents
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai- 32
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer
Kandhar, Tq.Kandhar,
Dist. Nanded.

WITH
WRIT PETITION NO. 6675 OF 2017

Pratiksha Devidas Mardode, .. Petitioner
Age : Minor, Occu: Student,
Under guardian of father
Devidas Bhujangrao Mardode,
Age :- 45 years, Occ.Service,
R/o : Jogeshwari Tq. Loha,
Dist. Nanded.

VERSUS

1. The State of Maharashtra, .. Respondents
Through it's Secretary,
Tribal Development Department,
Mantralaya,Mumbai- 32
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer
Kandhar, Tq.Kandhar,
Dist. Nanded.

WITH
WRIT PETITION NO. 6676 OF 2017

Supriya Shivaji Ramshetwad, .. Petitioner
Age : Minor, Occu: Student,
Under guardian of mother
Sushila Shivaji Ramshetwad,
Age :- 38 years, Occ.Service,
R/o : Bendri, Tq.Bhokar,
Dist. Nanded.

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai- 32 .. Respondents
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer,
Bhokar, Tq.Bhokar,
Dist.Nanded

WITH
WRIT PETITION NO. 6677 OF 2017

Pooja Satish Karod, .. Petitioner
Age : 22 years, Occu: Student,
R/o : Hudco, Nanded, Tq. &
Dist. Nanded.

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai- 32 .. Respondents
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer
Nanded, Tq.Nanded,
Dist. Nanded.
4. The Registrar,
Shri Gurugovind Singhji Institute
of Engineering and Technology

Government College, Nanded
Tq. & Dist. Nanded

WITH
WRIT PETITION NO. 6678 OF 2017

Gitanjali Balaji Kastewad, .. Petitioner
Age : 23 years, Occ.Student,
R/o : Honwadaj Wadi, Mukhed,
Tq. Mukhed, Dist. Nanded.

VERSUS

1. The State of Maharashtra, .. Respondents
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai- 32
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer
Degloor, Tq.Degloor,
Dist. Nanded.
4. The Registrar,
Shri Gurugovind Singhji
Institute of Engineering and
Technology Government College,
Nanded, Tq. & Dist.Nanded.

WITH
WRIT PETITION NO. 6679 OF 2017

Ramesh Hanmantrao Kondalwade, .. Petitioner
Age : 21 years, Occu: Student,
R/o : Mangnali, Dharmabad,
Tq.Dharmabad,Dist. Nanded.

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai- 32 .. Respondents
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director.(R)
3. The Sub-Divisional Officer
Dharmabad, Tq.Dharmabad,
Dist. Nanded.
4. The Dean,
Dr. Shankarrao Chavan Govt.
Medical College, Dist. Nanded
5. The Registrar,
Nashik University of Health
Sciences, Dist. Nashik.

WITH

WRIT PETITION NO. 6680 OF 2017

- Sunil Kalyan Suryawanshi, .. Petitioner
Age : 30 years, Occu: Service,
R/o : Aleshwar, Tq. Paranda,
Dist. Osmanabad.

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Tribal Department,
Mantralaya, Mumbai- 32 .. Respondents

2. The Scheduled Tribe Certificate Scrutiny Committee, Aurangabad, Through its Deputy Director.(R)
3. The Sub-Divisional Officer /Magistrate, Bhoom, Tq.Bhoom, Dist.Osmanabad.

Mr.Pratap P. Jadhavar, Advocate for the petitioners.
Mr.P.V. Patil, A.G.P. for respondents/State.

**CORAM : R.M. BORDE &
S.M.GAVHANE, JJ.**
DATED : 31.08.2017

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

1. Heard.

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

3. The petitioners claim to belonging to Scheduled Tribe category and are taking exception to the orders passed by the Scrutiny Committee in different matters directing invalidation of Tribe Certificates issued to them on technical ground of error in spelling mistake or

error in recording nomenclature of the tribe. The petitioners claim to belonging either to "Mannervarlu" or "Koli Mahadev". In case of some of the petitioners, there occurred spelling mistake in recording name of tribe as "Mannervarlu"; whereas in certain matters, instead of recording name of the tribe as "Koli Mahadev", same is recorded as "Mahadev Koli". On aforesaid ground of erroneous recording of name of the Tribe in the Certificate, the Scrutiny Committee has directed invalidation of the Tribe Certificates issued in favour of the petitioners.

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

5. The impugned orders in the instant petitions stand quashed and set aside. The Scrutiny Committee is directed to return the original Tribe Certificate produced by individual petitioner within a period of four weeks from today. The petitioners shall tender an undertaking to the Scrutiny Committee that they would approach the concerned Authority for ratifying spelling mistake or recording corrections in the Tribe Certificates issued to them and shall produce corrected certificate within a period of eight weeks from the date of receipt of original certificate. The petitioners shall approach the concerned Sub-Divisional Officer/competent authority for recording corrections in the Tribe Certificate already issued to them. The concerned Sub-Divisional Officer/competent authority on production of original tribe certificate by each of the individual petitioner, shall record necessary correction in the Tribe Certificate and shall issue corrected tribe certificate within a period of four weeks from the date of receipt of the application. The petitioner shall

produce corrected Tribe Certificate to the Scrutiny Committee directly and the concerned Committee shall proceed to render decision on the proposal in respect of validation of the Tribe Certificate within a period of one year from the date of receipt of corrected certificate together with proposal, if any.

6. In the meanwhile, no coercive action be taken against the petitioners, merely on the ground of invalidation of Tribe Certificates on technical ground.

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

[S.M.GAVHANE, J.]

[R.M.BORDE, J.]