IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9907 OF 2017

VAIJNATH DATTARAM BYAGALWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioner : Mr.Apparao Yenegure
AGP Mrs.A.V.Gondhalekar for State.

...
CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.

DATE : 02/08/2017

PER COURT :-

The third respondent-college had granted admission to the petitioner on the strength of a tribe certificate. The tribe certificate ought to read as under :

> "This is to certify that Shri/Shrimati/Kumari BYAGALWAR VAIJNATH S/O DATTARAM of Kundalwadi Tq.Biloli In the District Nanded in the 'State of Maharashtra' belongs to "MANNERWARLU (ST-27) which recognized as 'SCHEDULED TRIBE'
>
> 2] Shri/Shrimati/Kumari BYAGALWAR VAIJNATH S/O DATTARAM and or his/her family ordinarily reside(s) Kundalwadi, Tq.Biloli, Dist.Nanded of the STATE OF MAHARASHTRA"

2] Instead of the same, the certificate spells the tribe erroneously and inserts the alphabet "W" in place on "V". Everything else including Entry number is identical. In these circumstances, the tribe

certificate when forwarded after the petitioner was admitted, the claim therein is invalidated on the ground that the certificate itself is not pertaining to Mannervarlu [Scheduled Tribe].

3] The committee passed a general order in most of these cases and when they were brought before us, we have quashed and set aside this order of the committee. We have not accepted this view that for a spelling mistake in the tribe certificate, the petitioner is responsible. Secondly, though the tribe is wrongly spelled, the entry is accurate. In such circumstances, following our order that we set aside the order of the scrutiny committee impugned in the petition.

4] Since the petitioner was admitted to the third respondent-college and he is stated to be continuing the studies even after the certificate was cancelled and confiscated by the impugned order, now his admission is cancelled, we pass an order allowing this Writ Petition. We set aside the scrutiny committee's order. We direct the scrutiny committee to abide by the directions issued in the other matters.

5] As far as the third respondent-college is concerned, in the light of our orders passed and the view taken by this Court, it would be desirable and in the interest of justice, if college restores the

admission of the petitioner till the proceeding before scrutiny committee and the final order that would be made pursuant to our directions.

6] The Writ Petitioner cannot claim any equities. The college should condone the requirement of minimum attendance in the light of our order and direction.

(MANGESH S. PATIL,J.) **(S.C.DHARMADHIKARI,J.)**

umg/