

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

904 WRIT PETITION NO. 8488 OF 2017

RAHUL SAMBHAJI ADMULWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondents: Mr. S.B. Yawalkar
...

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**
DATE : 04.07.2017.

P.C. :-

. This is one more petition, whereby, the petitioner complains that the Scrutiny Committee has failed to take any action and contemplated by law.

2. The petitioner has been informed by the third respondent that he has been admitted to the B.C.A. Degree course (first year) from the category of Scheduled Tribe and against a reserved seat. He must forward a certificate of validity certifying his claim as "Mannervarlu" Scheduled Tribe. That claim must be held to be valid. The petitioner has been unable to furnish this validity certificate for no fault on his part, but entirely because of the Scrutiny Committee.

3. In several matters what we have noticed is, the competent Scrutiny Committee, namely, the Scheduled Tribe Scrutiny Committee, Aurangabad Division, Aurangabad has been repeatedly passing orders refusing to verify the claim. That is on the ground that the caste/tribe certificate forwarded to it for scrutiny and verification contains a spelling error or mistake. In the present case, the tribe certificate dated 06.09.2008 certifies the petitioner as belonging to "Mannervarlu" which is spelt as "MANNERWARLU".

4. According to the Scrutiny Committee, it is entirely its invention that the Scheduled Tribe Order, 1976 as far as Maharashtra is concerned, against entry no. 27 spells this tribe as "Mannervarlu" and instead of the alphabet 'V', 'W' having been typed in the caste certificate, there is a doubt about the certificate. We had passed detailed judgment and order that the principle invoked by the committee to deny or refuse to scrutinize and verify the claim is inapplicable. None is reading into, adding or modifying or taking away anything from the constitutional entry no. 27 which is referred in the tribe certificate. If the spelling is erroneous that does not mean that the claim cannot be scrutinized. The claim has to be verified and scrutinized in accordance

with the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short the "Maharashtra Act No. 23 of 2001"). That obligation and duty of the Scrutiny Committee has to be discharged irrespective of such spelling errors. It is unfortunate that people are harassed by the Scrutiny Committee on absolutely untenable and frivolous grounds such as the one noted by us and now even a corrected certificate has been obtained by the petitioner.

5. Once we have set aside the Scrutiny Committees order in similar matters and that order binds the Scrutiny Committees across the State including in Marathwada Region, we do not expect these Committees to hereafter pass such orders and if they pass we would take punitive action against their Members. We will direct their prosecution as also recover from them personal costs. Once the candidate is not responsible for any of these actions or acts of the statutory authorities, we expect him not to suffer at their hands. We, therefore, direct that all earlier orders of all Scrutiny Committees in Marathwada Region and to the above effect are quashed and set aside. No committee should give effect to any such order and direction hereafter. None should be directed

to file individual petitions in this Court and get the view of the committee set aside or reversed.

6. In this case as well the Committee will now verify the claim on the basis of the corrected certificate, copy of which is at page 39 as expeditiously as possible.

7. Till the Committee decides the matter and communicates its order, the admission of the petitioner shall not be cancelled.

8. A copy of this order shall be made available to the learned A.G.P. for forwarding it to all Scrutiny Committees as also the Commissioner of Tribal Development.

9. The writ petition stands disposed of.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]