

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

WRIT PETITION NO. 10848 OF 2017

Shivshankar Kashinath Shivpure .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. B. Gastgar, Advocate for the Petitioner.

Shri S. W. Mundhe, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 04TH SEPTEMBER, 2017.

FINAL ORDER :

. Heard Mr. Gastgar, the learned counsel for the petitioner and the learned Assistant Government Pleader for respondents.

2. The tribe claim of the petitioner as belonging the Koli Mahadev (Scheduled Tribe) was referred to the Scrutiny Committee. However, the same is returned back with a direction to obtain the fresh one with the correct spelling, as the certificate was issued as 'Koli Mahadeo', whereas as per the notification the caste is "Koli Mahadev".

3. Considering the above, we pass following order.

4. The scrutiny committee shall return original tribe certificate produced by the petitioner to him within four weeks from today. The petitioner shall tender an undertaking to the scrutiny committee, that the petitioner would approach the concerned competent authority for rectifying the spelling mistake occurred in recording name of the tribe and shall produce the correct certificate within a period of eight weeks from the date of receipt of the original certificate (which has been produced to the scrutiny committee). The competent authority/Sub Divisional Officer, on receipt of an application together with the original tribe certificate issued in favour of the petitioner shall make necessary correction in respect of name of the tribe (correct the spelling of tribe) and record the same in consonance with the relevant entry in respect of tribe in the schedule to the Constitutional Order. The corrected certificate shall be issued by the Sub Divisional Officer/Competent Authority within a period of four weeks from the date of approach of the petitioner, without embarking upon any enquiry since the holder of certificate had received the Tribe certificate issued by the competent authority after conducting due enquiry.

5. On receipt of the corrected tribe certificate, the petitioner shall submit the same to the scrutiny committee forthwith. The scrutiny committee shall proceed to decide the matter and take decision on the proposal in respect of verification of the tribe

certificate, on merits and in accordance with law, as expeditiously as possible and preferably within a period of one year from the date of receipt of the corrected certificate from the petitioner.

6. Until the decision on the proposal for verification of the tribe claim by the scrutiny committee, no adverse action shall be taken by the employer prejudicially affecting the interest of the petitioner. The writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 17