

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

WRIT PETITION NO.10221 OF 2017

Arjun S/o. Rayaba Jampawad .. Petitioner
Age-Major, Occu-Service,
R/o. Kodali, Tq. Udgir,
Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Deputy Collector &
District Rehabilitation Officer
Dist. Latur

WITH

WRIT PETITION NO.10209 OF 2017

Sangram Ramchandra Wajire .. Petitioner
Age-Major, Occu-Service,
R/o. At Post Gavhan, Tq. Udgir,
Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary

2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Tahshildar Taluka Executive
Magistrate, Udgir, Tq. Udgir,
Dist. Latur
4. The Chief Executive Officer,
Zilla Parishad, Latur,
Dist. Latur

WITH

WRIT PETITION NO.10210 OF 2017

Gopal So. Harichandra Sarje .. Petitioner
Age-Major, Occu-Service,
R/o.At Post Yeloriwadi, Tq. Ausa,
Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Executive Magistrate, Ausa
Tq. Ausa, Dist. Latur
4. The Chief Engineer,
MSEDCL Regional Office,
Admin. Bldg. 1st Floor,
Old Power Sale Galli,
Dist. Latur

5. The Executive Engineer,
MSEDCL Division Office,
Near Market Yard, Old Power House,
Udgir

WITH
WRIT PETITION NO.10211 OF 2017

Vikas S/o. Pandurang Akoskar .. Petitioner
Age-21, Occu-Student,
R/o.Kolewadi Post Wanewadi,
Tq. & Dist. Osmanabad

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Sub-Divisional Officer, Osmanabad
Tq. & Dist. Osmanabad
4. Dr. Babasaheb Ambedkar Technological University,
Lonere, Dist. Rajgad-402 103 (MS),
Through its Registrar

WITH
WRIT PETITION NO.10212 OF 2017

Nagesh S/o. Shamrao Sarge .. Petitioner
Age-Major, Occu-Service,
R/o.Thanu Niwas, Datanagar Nilanga
Tq. Nilanga, Dist. Latur

Versus

- | | |
|--|-----------------------|
| <ol style="list-style-type: none"> 1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary 2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary 3. The Executive Magistrate, Nilanga
Tq. Nilanga, Dist. Latur 4. The Maharashtra State Road Transport
Central Office, Maharashtra Transport
Bhavan, Dr. Anandrao Nayar, Mumbai-400 008
Through its Chief Controller 5. The Divisional Controller,
State Transport, Osmanabad 6. The Sub-Divisional Officer, Nilanga
Tq. Nilanga, Dist. Nilanga | <p>.. Respondents</p> |
|--|-----------------------|

WITH

WRIT PETITION NO.10213 OF 2017

Sanjeprao S/o. Pandhari Yenchewad Age-Major, Occu-Service, R/o.At Post Savargaon Rokada, Tq. Ahmednagar, Dist.Latur	.. Petitioner
--	----------------------

Versus

- | | |
|---|-----------------------|
| <ol style="list-style-type: none"> 1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary | <p>.. Respondents</p> |
|---|-----------------------|

2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Taluka Executive Magistrate, Ahmedpur
Tq. Ahmedpur, Dist. Latur
4. Shri. Mahadev Madhyamik V. Uchha
Madhyamik Vidhyalay, Dhanegaon,
Through its Headmaster

WITH
WRIT PETITION NO.10215 OF 2017

Subhash Hanmant Gaikwad .. Petitioner
Age-Major, Occu-Service,
R/o.Prakash Nagar, Latur,
Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Taluka Executive Magistrate, Umarga
Tq. Umarga, Dist. Latur
4. The Chief Executive Officer,
Zilla Parishad, Osmanabad

WITH
WRIT PETITION NO.10216 OF 2017

Uttam Rukhmaji Dappadwad .. Petitioner
Age-48 years, Occu-Service,
R/o.Kharbarwadi, Tq. Ahmedpur,
Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Taluka Executive Magistrate, Ahmedpur
Tq. Ahmedpur, Dist. Latur
4. The State of Maharashtra
Higher and Technical Education Department
Mantralaya, Mumbai - 32
Through its Secretary

WITH
WRIT PETITION NO.10217 OF 2017

Sham S/o. Arjunrao Lekarwale .. Petitioner
Age-38 years, Occu-Service,
R/o.Salunke Nagar, Bebali Road,
Osmanabad, Tq. & Dist. Osmanabad

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Executive Magistrate, Kalamb
Tq. Kalamb, Dist. Osmanabad
4. The Chief Officer Nagar Parishad Osmanabad
Tq. & Dist. Osmanabad

WITH

WRIT PETITION NO.10218 OF 2017

Savita D/o. Ganpatrao Bhanje .. Petitioner
Age-42 years, Occu-Service,
R/o.Vikas Nagar, Udgir,
Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Taluka Executive Magistrate, Udgir
Tq. Udgir, Dist. Latur
4. The Chief Executive Officer
Zilla Parishad Latur,
Dist. Latur

WITH
WRIT PETITION NO.10220 OF 2017

Vijaykumar Madhavrao Rodewad .. Petitioner
Age-39 years, Occu-Service,
R/o.Tondar, Tq. Udgir,
Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Taluka Executive Magistrate, Udgir
Tq. Udgir, Dist. Latur
4. The Chief Executive Officer
Zilla Parishad Latur,
Dist. Latur
5. The Block Development Officer,
Panchayat Samiti, Devni,
Dist. Latur

WITH
WRIT PETITION NO.10219 OF 2017

Vimal D/o. Kashinathrao Mudale .. Petitioner
Age-Major, Occu-Service,
R/o.At Post Bamani, Tq. Udgir,
Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Taluka Executive Magistrate, Udgir
Tq. Udgir, Dist. Latur
4. The Chief Executive Officer
Zilla Parishad Latur,
Dist. Latur

WITH

WRIT PETITION NO.10222 OF 2017

- Shankar S/o. Digambar Ghante .. Petitioner
Age-47 years, Occu-Service,
R/o.Narayan Colony,
Tq. & Dist. Osmanabad

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary

3. The Executive Magistrate, AUSA
Tq. Dist. Latur
4. The Chief Officer,
Zilla Parishad, Osmanabad

WITH
WRIT PETITION NO.10223 OF 2017

Ramling S/o. Dhondiba Patange .. Petitioner
Age-49 years, Occu-Service,
R/o.Devlali, Tq. & Dist. Osmanabad

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Executive Magistrate, Osmanabad
Tq. Dist. Osmanabad
4. Maharashtra State Electricity Transmission
Co. Ltd. Vidyut Bhavan, Old Power Premises,
Khokadpura, Aurangabad 431 001
Through its Chief Engineer

WITH
WRIT PETITION NO.10224 OF 2017

Balaji S/o. Shamrao Bandewad .. Petitioner
Age-Major, Occu-Service,
R/o.Kolwadi Post-Sawargaon,
Tq. Ahamadpur, Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Taluka Executive Magistrate, Ahmadpur
Dist. Latur

WITH**WRIT PETITION NO.10226 OF 2017**

- Gopal S/o.Bapurao Ankushwad .. Petitioner
Age-Major years, Occu-Service,
R/o.Kolewadi Post-Savargaon,
Tq. Ahamadpur, Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Taluka Executive Magistrate, Ahmadpur
Tq. Ahmedpur, Dist. Latur
4. The Chief Executive Officer,
Zila Parishad, Latur
Tq. & Dist. Latur

WITH
WRIT PETITION NO.10225 OF 2017

Bhagwat S/o. Digambar Ghante .. Petitioner
Age-59 years, Occu-Nill,
R/o.Upchunda, Post-Jawali,
Tq. Ausa, Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Executive Magistrate, Ausa
Dist. Latur
4. The Chief Executive Officer,
Zila Parishad, Osmanabad

WITH
WRIT PETITION NO.10227 OF 2017

Suryakant S/o. Maroti Sarge .. Petitioner
Age-53 years, Occu-Service,
R/o.At Hasala, Post-Budhoda,
Tq. Ausa, Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary

2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Executive Magistrate, Ausa
Tq. Ausa, Dist. Latur
4. The District Civil Surgeon, Latur
Near Gandhi Chowk, Police Station,
Old Z.P.School, Latur-413 512
Dist. Latur

WITH

WRIT PETITION NO.10229 OF 2017

Chandrahas S/o. Manik Surwase .. Petitioner
Age-Major, Occu-Service,
R/o.At Post Selu,
Tq. Ausa, Dist. Latur

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Executive Magistrate, Ausa
Tq. Ausa, Dist. Latur

WITH

WRIT PETITION NO.10228 OF 2017

Appasha S/o. Sidram Koli .. Petitioner
Age-53 years, Occu-Service,
R/o.At Asta (Kasar), Tq. Lohara,
Dist. Osmanabad

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Executive Magistrate, Umarga
Tq. Umarga, Dist. Osmanabad
4. The Executive Engineer, Latur
Latur Irrigation Division Latur,
Sinchan Bhavan Old Aus Road,
Latur

WITH

WRIT PETITION NO.10230 OF 2017

Anant Marotirao Tarlawad .. Petitioner
Age-Major, Occu-Service,
R/o.Rajura (Bu), Tq. Mukhed,
Dist. Nandad

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai-32
Through its Secretary
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
3. The Tahasildar & Taluka Executive
Magistrate, Mukhed,
Tq. Mukhed, Dist. Nanded
4. The Chief Executive Officer,
Zilla Parishad, Latur
5. The Education Officer (Secondary),
Zilla Parishad, Latur
6. Bapuji Madhyamik Va Uchya Madhyamik
Vidhyalay, Sawagaon,
Through its Headmaster

Mr.Vivek U. Jadhav, Advocate for the petitioners
Mr.P.S.Patil, AGP for the respondents/State
Mr.P.R.Patil, Advocate for respondents/Z.P.Latur in writ
petition Nos.10226,10230,10209,10218,10219 and 10220 of
2017

**CORAM : R.M. BORDE &
S.M. GAVHANE, JJ.**
DATED : 29.08.2017

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

- . Heard.
- . Rule. Rule made returnable forthwith. By the
consent of the learned counsel for the parties heard
finally at the admission stage.

2. The petitioners are taking exception to the order passed by the Scrutiny Committee directing cancellation of caste certificate issued to them on the ground of occurrence of spelling mistake in recording the name of the Tribe in the caste/Tribe certificate issued by the competent Authority. The petitioners belong Koli Mahadev Scheduled Tribe. In the Tribe certificate issued in favour of the petitioners by the competent authority the spelling of the tribe is recorded as "Koli Mahadeo" instead of "Koli Mahadev". The spelling mistake occurred in recording the name of the tribe has persuaded the scrutiny committee to direct the cancellation of tribe certificate. The scrutiny committee has granted liberty to the petitioners to secure proper certificate from the competent authority and produce the same for verification.

3. 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 petitions also deserve to be allowed and the same are accordingly allowed.

4. The orders impugned in these petitions stands quashed and set aside. The Scrutiny Committee is directed to return the original Tribe Certificate produced by the petitioners before it, within four weeks from today. The petitioners shall tender an undertaking to the Scrutiny Committee that they 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 concerned Sub-Divisional Officer for recording corrections in the Tribe certificates already issued to them. The concerned sub-Divisional Officers, without embarking upon further enquiry into matter, on the basis of Tribe certificate

issued to each of the individual petitioners by the competent authority earlier shall issue the corrected Tribe Certificate within a period of four weeks from the date of tender an application by the petitioners. On receipt of the corrected certificates, 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 petitioners for validation of Tribe Certificate and render decision on the proposals within a period of six months from the date of receipt of corrected certificates together with the proposals. It would be open for the petitioners to tender the corrected certificate and the proposal if any, directly to the Scrutiny Committee and the Scrutiny Committee shall entertain the same.

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

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

[S.M. GAVHANE, J.]

[R.M. BORDE, J.]