

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

WRIT PETITION NO. 10115 OF 2017

Babu w/o. Yamanaji Anmulwad .. Petitioner
Age. 26 years, Occ. Service,
R/o. Wadikar Niwas, Shyam Nagar,
Biloli Road, Narsi, Tq. Naigaon,
Dist. Nanded.

Versus

1. The State of Maharashtra .. Respondents
Through Secretary to Tribal
Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director ®,
Aurangabad.
3. The Deputy Collector,
E.G.S. Nanded, Dist. Nanded.

Mr.R.D. Sakhare, Advocate for the petitioner.
Mr.S.G.Karlekar, A.G.P. for respondent/State.

**CORAM : R.M. BORDE &
S.M.GAVHANE, JJ.
DATED : 14.08.2017**

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

1. Heard. Leave to add party.
2. Rule. Rule made returnable forthwith and heard finally with the consent of parties.
3. For the reasons recorded while disposing of Writ Petition No.6263 of 2017 and other companion petitions on 26.06.2017, the instant petition also deserves to be allowed and the same is accordingly allowed.
4. The Scrutiny Committee shall return the original tribe certificate produced by the petitioner within a period of four weeks from today. The petitioner shall tender an undertaking to the Scrutiny Committee that he would approach the Competent Authority for ratifying the spelling mistake occurred while recording name of the tribe and shall produce the correct certificate within a period of eight weeks from the date of receipt of

original certificate (which has been produced to the Scrutiny Committee). The concerned competent authority on receipt of application together with 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 Competent Authority within four weeks from the date of the approach of the petitioner, without embarking upon any enquiry since the holder of the certificate, since holder of the certificate had received the same from the competent authority after conducting due enquiry. On receipt of the corrected tribe certificate, the petitioner shall submit the same to the Scrutiny Committee. 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

one year from the date of receipt of corrected tribe certificate from the petitioner.

5. During the pendency of the tribe certificate verification claim, no adverse action shall be taken against the petitioner.

6. Rule is accordingly made absolute. There shall be no order as to costs.

[S.M.GAVHANE, J.]

[R.M.BORDE, J.]