

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10452 OF 2017

Rahul s/o Anilrao Totawar
age 31 years, occ education
r/o PlotNo. 23, Chaitanya Nagar
Dist. Nanded

Petitioner

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
2. Sub Divisional Officer
Dist. Nanded
3. Principal
Mahatma Gandhi Mission College of
Computer Science and Information
Technology, Dist. Nanded.

Respondents

Mr. S.S. Phatale, advocate holding for Mr. D.B. Shinde, advocate for petitioner.

Mr. P.S. Patil, A.G.P. for respondents 1 and 2.

WITH
WRIT PETITION NO. 10451 OF 2017

Deepak s/o Sayaji Deshatwad
age 21 years, occ. education
r/o Ambulga(Bk.) Tq. Mukhed
Dist. Nanded

Petitioner

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
2. Sub Divisional Officer
Degloor, Tq Degloor

Dist. Nanded

Respondents

Mr. S.S. Phatale, advocate holding for Mr. D.B. Shinde, advocate for petitioner.

Mr. P.S. Patil, A.G.P. for respondents 1 and 2.

WITH

WRIT PETITION NO. 10453 OF 2017

Swati d/o Anilrao Totawar
age 33 years, occ. education
r/o Plot no. 23, Chaitnaya Nagar
Dist. Nanded

Petitioner

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
2. Sub Divisional Officer
Dist. Nanded
3. Principal
Shri Chhatrapati Shivaji College
Omerga, Dist. Nanded

Respondents

Mr. S.S. Phatale, advocate holding for Mr. D.B. Shinde, advocate for petitioner.

Mr. P.S. Patil, A.G.P. for respondents 1 and 2.

WITH

WRIT PETITION NO. 10465 OF 2017

Raghunath s/o Lalba Sone
age 72 years, occ. pensioner
r/o Naggapur, Tq. Biloli
Dist. Nanded

Petitioner

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary

2. Sub Divisional Officer
Biloli, Tq. Biloli
Dist. Nanded

Respondents

Mr. S.S. Phatale, advocate for petitioner.
Mr. P.S. Patil, A.G.P. for respondents 1 and 2.

WITH
WRIT PETITION NO. 10466 OF 2017

Sayalu s/o Gangadhar Hangarge
age 27 years, occ. service
r/o Laghul, Tq. Biloli
Dist. Nanded

Petitioner

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary

2. Sub Divisional Officer
Biloli, Tq. Biloli
Dist. Nanded

3. Commissioner of Sales Tax
Maharashtra State
Vikrikar Bhavan Mazgaon
Mumbai 400 010.

Respondents

Mr. S.S. Phatale, advocate for petitioner.
Mr. P.S. Patil, A.G.P. for respondents 1 and 2.

WITH
WRIT PETITION NO. 10468 OF 2017

Sanjay s/o Shankarrao Nemaji
age 33 years, occ. service
r/o Lohgaon, Tq. Biloli
Dist. Nanded

Petitioner

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
2. Sub Divisional Officer
Biloli, Tq. Biloli
Dist. Nanded
3. Superintendent of Police
Solapur Gramin, Dist. Solapur

Respondents

Mr. S.S. Phatale, advocate for petitioner.
Mr. P.S. Patil, A.G.P. for respondents 1 and 2.

WITH
WRIT PETITION NO. 10474 OF 2017

Shivraj s/o Sambhaji Gangulwar
age 25 years, occ. service
r/o Kasrali, Tq. Biloli
Dist. Nanded

Petitioner

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
2. Sub Divisional Officer
Biloli, Tq. Biloli
Dist. Nanded
3. Superintendent of Police
Nanded, Dist. Nanded

Respondents

Mr. S.S. Phatale, advocate for petitioner.
Mr. P.S. Patil, A.G.P. for respondents 1 and 2.

WITH
WRIT PETITION NO. 10475 OF 2017

Madhav s/o Gangaram Kurmude
age 46 years, occ. service

r/o Chikna, Tq. Dharmabad
Dist. Nanded

Petitioner

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary
2. Sub Divisional Officer
Dharmabad, Tq. Dharmabad
Dist. Nanded
3. Zilla Parishad, Nanded
Dist. Nanded
Through its Education Officer

Respondents

Mr. S.S. Phatale, advocate for petitioner.
Mr. P.S. Patil, A.G.P. for respondents 1 and 2.

**CORAM : R.M.BORDE &
S.M. GAVHANE, JJ.
DATE : 22nd AUGUST, 2017**

ORAL JUDGMENT : (PER R.M.BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of learned counsel for the respective parties.
3. These petitions are taking exception to the decision rendered by the Scrutiny Committee directing invalidation of Tribe Certificate issued to the petitioners as belonging to "Mannervarlu /Koli Mahadeo" - Scheduled Tribe on technical ground of occurrence of spelling mistake in recording name of th

Tribe in the Certificate issued to the petitioners by the Sub-Divisional Officer.

4. The 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, instant petitions also deserve to be allowed and the same are accordingly allowed.

5. The order impugned in these petitions stand 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 he 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 petitioners shall approach the concerned Sub-Divisional Officer for recording corrections in the certificate already issued to them. The concerned Sub-Divisional officer shall issue corrected certificate within a period of four weeks from the date of approach of the petitioners, without embarking upon further enquiry in the matter. On receipt of corrected certificate, 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 the Tribe Certificate and render decision on the proposal within a period of one year from the date of receipt of corrected certificate together with the

proposal. It would be open for the petitioners to tender the corrected certificate and the proposal directly to the Scrutiny Committee and the Scrutiny Committee shall entertain the same.

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

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

(S.M. GAVHANE)
JUDGE

(R.M.BORDE)
JUDGE

dyb