

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10467 OF 2017

Yadav Ganpati katlewd,
Age: 57 Years, Occu.: Service,
R/o.: Kawalguda, Tq.: Umri, 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 Chief Executive Officer .. **Respondents**

WITH
WRIT PETITION NO. 10469 OF 2017

Vithal Linguram Chandolkar,
Age: 46 Years, Occu.: Service,
R/o.: Ghugralal, Tq.: Naigaon,
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. Maharashtra State Electricity Distribution
Company Ltd., Through its Executive Engineer,
Dist.: Nanded .. **Respondents**

WITH
WRIT PETITION NO. 10480 OF 2017

Hanmanth Rama Utterwad,
Age: 48 Years, Occu.: Service,
R/o.: Kolebargaon, 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. Jay Kisan Secondary School,
Kole Bargaon, Tq.: Biloli, Dist.: Nanded,
Through its Headmaster .. **Respondents**

WITH
WRIT PETITION NO. 10481 OF 2017

Sangam Kondiba Kunjetwad,
Age: 41 Years, Occu.: Service,
R/o.: Ghavan, Tq.: Jalkot,
Dist.: Latur .. **Petitioner**

Versus

1. Scheduled Tribe Certificate Scrutiny Committee,
Aurangabad, Through its Member Secretary
2. Sub Divisional Officer,
Udgir, Tq.: Udgir,
Dist.: Latur
3. Sevalal Ashram School,
Mewpur Tanda,
Tq.: Jalkot, Dist.: Latur,
Through its Headmaster

.. **Respondents**

Shri Sagar S. Phatale, Advocate for the Petitioner.
Mrs. R. P. Gour, A.G.P. for Respondent Nos. 1 and 2.

CORAM : **S. V. GANGAPURWALA &**
S. M. GAVHANE, JJ.

DATE : **24th November, 2017**

ORAL JUDGMENT (*Per: S. V. Gangapurwala, J.*) :

1. Heard.
2. Rule. With the consent of the parties, petitions are taken up for final decision at admission stage.
3. The petitioners are taking exception to the decision rendered by the scrutiny committee, directing invalidation of the tribe certificate issued to them, certifying him that they are belonging to Mannervarlu or Koli Mahadev, scheduled tribe, on technical ground of occurrence of spelling mistake, or discrepancies in writing the nomenclature of the tribe in the

certificate issued by the concerned Sub Divisional Officer.

4. The issue raised in these petitions is no more *res-integra* and is covered by the decision rendered in Writ Petition N. 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.

5. The order impugned in the instant 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, the concerned petitioners would approach the concerned competent scrutiny committee for ratifying the spelling mistake/discrepancy in recording the nomenclature of the tribe and shall produce the 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 correction in the tribe 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 any 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 its 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 the corrected certificate together with proposal if any. 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 and shall proceed to decide the matter on its own merit and shall not reject it on any technical grounds.

6. Rule is made absolute in the above terms.

7. There shall be no order as to costs.

8. 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.]

[S. V. GANGAPURWALA, J.]

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