

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

1105 WRIT PETITION NO. 14770 OF 2017

Santosh s/o Balbhim Raut
Age : 45 Yrs., Occ. Service,
R/o : Samta Colony,
Osmanabad, Tq. & Dist.
Osmanabad.

.... PETITIONER

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Caste
Scrutiny/Verification Committee,
Aurangabad.
3. Competent Authority/
Executive Magistrate,
Osmanabad.
4. Divisional Controller,
Maharashtra State Road
Transport Corporation,
Osmanabad Division,
Tq. & Dist. Osmanabad.

.... RESPONDENTS

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Mr. O.B.Boinwad, Advocate for Petitioners.

Mrs. D.S.Jape, A.G.P. for Resp. - State.

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**WITH
1123 WRIT PETITION NO. 14788 OF 2017**

Kamlakar s/o Dadarao Ghate

Age : 56 Yrs., Occ. Service,

R/o : At : Aurad, Tq. Omarga,

Dist. Osmanabad.

.... PETITIONER

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Caste
Scrutiny/Verification Committee,
Aurangabad.
3. Competent Authority/
Taluka Executive Magistrate,
Omarga, Dist. Osmanabad.
4. Administrative Officer
Govt. Photo Zinco Press,
Pune, Tq. & Dist. Pune.

.... RESPONDENTS

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Mr. O.B.Boinwad, Advocate for Petitioners.
Mrs. D.S.Jape, A.G.P. for Resp. - State.
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WITH
1215 WRIT PETITION NO. 14890 OF 2017

Bhaurao s/o Vithalrao Dhade
Age : 43 Yrs., Occ. Service,
R/o : At Shirol (Wa),
Tq. Nilanga, Dist. Latur.

.... PETITIONER

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Caste
Scrutiny/Verification Committee,
Aurangabad.
3. Competent Authority/
Dy. Collector, Latur,
Dist. Latur.
4. The Head Master
Shanmukheshwar Vidyalaya,
Tambala,Tq.Nilanga,Dist. Latur. **RESPONDENTS**

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Mr. O.B.Boinwad, Advocate for Petitioners.
Mr. S.B.Pulkundwar, A.G.P. for Resp. - State.
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**WITH
1309 WRIT PETITION NO. 15014 OF 2017**

Sainath s/o Padmakar Sambare
Age : 36 Yrs., Occ. Service,
Now R/o : Quarter No. 76/3,
Type II, Ordinance Factory
Estate, Dehu Road, Pune.

.... PETITIONER

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Caste
Scrutiny/Verification Committee,
Nashik.
3. Competent Authority/
Taluka Executive Magistrate,
Akole, Tq. Akole, Dist.
Ahmednagar.
4. Competent Authority/
Sub Divisional Magistrate,

Sangamner, Tq. Sangamner,
Dist. Ahmednagar.

5. Joint General Manager,
Administration, Ordinance
Factory Estate, Dehu Road,
Pune.

..... RESPONDENTS

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Mr. O.B.Boinwad, Advocate for Petitioners.

Mr. P.G.Borade, A.G.P. for Resp. - State.

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WITH

1103 WRIT PETITION NO. 14768 OF 2017

Sudhir s/o Sadashiv Salve

Age : 50 Yrs., Occ. Agril.,

R/o : Jalke (Bk.), Tq.

Newasa (Devgad Phata),

Dist. Ahmednagar.

.... PETITIONER

VERSUS

1. Sunanda Arun Sathe

Age : 60 Yrs., Occ. Service,

R/o : Babalji Printing Press,

Govt. Housing Colony,

Bandra (East), Mumbai – 51.

2. Sau. Surekha Gangadhar Shelar

Age : 58 Yrs., Occ. Household,
R/o : Walayenagar,
Nilkant Park,
Kalyan (West).

3. Sau. Sunita Vijay Shendge
Age : 52 Yrs., Occ. Household.

4. Sau. Sujata Gopinath Alhat
Age : 48 Yrs., Occ. Household.

Both R/o : Aadharwadi Chowk,
Annapurna Nagar,
Kalyan (West).

5. Shantabai Sadashiv Salve
Age : 80 Yrs., Occ. Pensioner.

6. Sadashiv Savleram Salve
Age : 84 Yrs., Occ. Pensioner.

Both R/o : Jalke (Bk.), Tq.
Newasa (Devgad Phata),
Dist. Ahmednagar.

..... **RESPONDENTS**

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Mr. S.D. Karkare, Advocate for Petitioner.
Mrs. D.S.Jape, A.G.P. for Resp. - State.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**

DATE OF JUDGMENT : 20th DECEMBER, 2017

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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 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.

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 mean while, no coercive action be taken against the petitioners, merely on the ground of invalidation of the tribe certificate on technical ground.

[V.L.ACHLIYA, J.]

[S.V.GANGAPURWALA,J.]