

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14235 OF 2017

Pandurang Vithal Jadhav,
Age: Major, Occu.: Service,
R/o.: Lodga, Tq.: Ausa, Dist.: Latur .. **Petitioner**

Versus

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, Ausa
Tq.: Ausa, Dist.: Latur
4. Shri. Chhatrapati Shivaji Shikshan Prasarak
Madal, Lodga, Tq.: Ausa and Dist.: Latur,
Through its Secretary .. **Respondents**

WITH
WRIT PETITION NO. 14236 OF 2017

Rajkumar Ashokrao Jamadar,
Age: 41 Years, Occu.: Service,
R/o.: Ujana, Tq.: Ahamadpur,
Dist.: Latur .. **Petitioner**

Versus

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. Taluka Executive Magistrate, Udgir,
Tq.: Udgir, Dist.: Latur
4. The Chief Executive Officer,
Zilla Parishad, Latur

.. **Respondents**

WITH
WRIT PETITION NO. 14908 OF 2017

Ramdas Devidas Sarge,
Age: 43 Years, Occu.: Service,
R/o.: Hasala, Post-Buthod, Tq.: Ausa,
Dist.: Latur

.. **Petitioner**

Versus

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, Ausa,
Tq.: Ausa, Dist.: Latur

4. Deputy Director land record, Aurangabad,
Damdi Mahal, Opp. Pandhayat Samiti,
Aurangabad, Tq. and Dist.: Aurangabad .. **Respondents**

WITH
WRIT PETITION NO. 15066 OF 2017

Dropadabai bhimrao Dasrewad,
Age: 59 Years, Occou.: Service,
R/o.: Raypur, Tq. & Dist.: Parbhani .. **Petitioner**

Versus

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, Parbhani,
Tq. Dist.: Parbhani
4. Vasantao Naik Marathawada Krashi
Vidyapeeth, Parbhani,
Through it's Registrar .. **Respondents**

Shri Vivek U. Jadhav, Advocate for the Petitioners.
Shri C. S. Kulkarni, A.G.P. for Respondents / State.

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

DATE : 20th December, 2017

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

1. Heard.

2. Rule. With the consent of the parties, petition is taken up for final disposal at the stage of admission.

3. These petitions are taking exception to the decision rendered by the Scrutiny Committee directing invalidation of Tribe Certificates issued to the petitioners as belonging to “Koli-Mahadev” - Scheduled Tribe on technical ground of occurrence of spelling mistake in recording name of the Tribe in the Certificates issued to the petitioners by the concerned Executive Magistrates.

4. The issue raised in the instant matters 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 deserves to be allowed and the same are accordingly allowed.

5. The order impugned in this petition stands quashed and set aside. The Scrutiny Committee is directed to return the original Tribe Certificates produced by the petitioners before it, within four weeks from today. The petitioners shall tender an undertakings 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 certificates within a period of eight weeks from the date of receipt of the original certificates. The petitioners shall approach the concerned Executive Magistrates for recording corrections in the Certificates already issued to them. The concerned Executive Magistrates shall issue corrected certificates 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 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 claims of the petitioners for validation of the Tribe Certificates and render decision on the proposals within a period of one year from the date of receipt of corrected Certificates together with the proposals. It would be open for the petitioners to tender the corrected Certificates and the proposals 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 Certificates on technical ground.

[V. L. ACHLIYA, J.]

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[S. V. GANGAPURWALA, J.]