

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

WRIT PETITION NO. 12470 OF 2017

Manisha d/o. Dnyanoba Yedale .. Petitioner
Age. 41 years, Occ. Service,
R/o. Vikram Apartment, Akshaynagar,
Juna Ausa Road, Latur.

Versus

1. The State of Maharashtra .. Respondents
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 Sadanand Prathamik Vidya Mandir
And Shishu Vihar, Dattanagar,
Ausa Road, Latur 412531
Through its Headmaster.

WITH

WRIT PETITION NO. 12471 OF 2017

Aruna d/o. Pandharinath Udgirkar .. Petitioner
Age. Major, Occ. Service,
R/o. At Post Udgir, Tq. Udgir,
Dist. Latur.

Versus

1. The State of Maharashtra .. Respondents
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. Shamlal Samrak Shikshan Sanstha,
Udgir, through its Secretary

**WITH
WRIT PETITION NO. 12472 OF 2017**

Nagnath s/o. Sopan Jamdar .. Petitioner
Age. 51 years, Occ. Service,
R/o At Post Mogha, Tq. Udgir,
Dist. Latur.

Versus

1. The State of Maharashtra .. Respondents
Department of Tribal Development,
Mantralaya, Mumbai – 32.
Through its Secretary.
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Member Secretary.
3. The Taluka Executive Magistrate,
Udtir, Tq. Udgir, Dist. Latur.
4. The District Civil Surgeon, Latur
Near Gandhi Chowk, Police Station,

Old Z.P. School, Latur – 412512.
Dist. Latur.

**WITH
WRIT PETITION NO. 12473 OF 2017**

Sunita d/o. Narayanrao Wadale .. Petitioner
Age. 40 years, Occ. Service,
R/o. Vaibhav Nagar, Khadgaon Road,
Latur.

Versus

1. The State of Maharashtra .. Respondents
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. Annabhau Sathe Dnyanapasak Primary
School, Banshelaki Road, Udgir,
Tq. Udgir, Dist. Latur.
Through its Headmaster.

Mr.Vivek U. Jadhav, Advocate for the petitioner.
Mr.S.B. Pulkundwar, AGP for resp./State in WP12470/17.
Mr.K.D. Munde, AGP for resp./State in WP12472/17.
Mr.P.S. Patil, AGP for resp./State in WP12471/17.
Mr.S.B. Pulkundwar, AGP for resp./State in WP12473/17.

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

DATED : 12.10.2017

ORAL JUDGMENT [PER : S.V.GANGAPURWALA,J.] :-

1. Heard.

2. Rule. Rule made returnable forthwith. By the consent of the learned counsel for the parties heard finally at the admission stage.

3. The petitioners are taking exception to the order passed by the Scrutiny Committee directing cancellation of caste certificate issued to them on the ground of occurrence of spelling mistake in recording the name of the Tribe in the caste/Tribe certificate issued by the competent Authority. The petitioners belong Koli Mahadev Scheduled Tribe. In the Tribe certificate issued in favour of the petitioners by the competent authority the spelling of the tribe is recorded as "Koli Mahadeo" instead of "Koli Mahadev". The spelling mistake occurred in recording the name of the tribe has persuaded the scrutiny committee to direct the cancellation of tribe certificate. The scrutiny committee has granted liberty

to the petitioners to secure proper certificate from the competent authority and produce the same for verification.

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

5. The orders impugned in these 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 they 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 petitioner shall approach the concerned Sub-Divisional Officer for recording corrections in the Tribe certificates already issued to them. The concerned sub-Divisional Officers, without embarking upon further enquiry into matter, on the basis of Tribe certificate issued to each of the individual petitioners by the competent authority earlier shall issue the corrected Tribe Certificate within a period of four weeks from the date of tender an application by the petitioners. On receipt of the 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 claim of the petitioners for validation of Tribe Certificate and render decision on the proposals within a period of six months from the date of receipt of corrected certificates together with the proposals. It would be open for the petitioners to tender the corrected certificate and the proposal if any, 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 the Tribe certificate on technical ground.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]