

**UNREPROTED**

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

**BENCH AT AURANGABAD.**

**WRIT PETITION NO.2840 OF 2018**

Dnyandev S/o Mahadev Mane,  
Age 45 years, Occ.Service,  
R/o Patoda, Tq. Dist.  
Osmanabad. ... 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 Sub-Divisional Officer,  
Osmanabad, Tq. Dist.  
Osmanabad. ... Respondents.

...

**WITH**

**WRIT PETITION NO.2841 OF 2018**

Shivaji S/o Ramrao Tompe,  
Age major, Occ.Service,  
R/o Sindala, 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. The Sub-Divisional Officer,  
Ausa, Tq. Ausa, Dist.Latur.

5. The Chief Executive Officer,  
Zilla Parishad, Latur.

6. The District Medical Officer,  
Zilla Parishad, Latur. ... Respondents.

...

Mr.V.U.Jadhav, advocate for the Petitioners.  
Mr.S.G.Karlekar, Mr.A.S.Shinde, A.G.Ps. for the  
State.

...

**CORAM : S.V.GANGAPURWALA AND  
A.M. DHAVAL, JJ.**

**Date : 19.03.2018.**

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

1. Heard.

2. Rule. With the consent of the parties,  
petitions are 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 Executive Magistrate, Osmanabad dt.29.1.1990 and Executive Magistrate AUSA dt.9.5.1988.

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

5. The order 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 petitioners shall approach the competent authority for recording correction in the certificate already issued to them. The competent authority 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.

Sd/-

**(A.M.DHAVAL, J.)**

Sd/-

**(S.V.GANGAPURWALA, J.)**

