

UNREPORTED

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

BENCH AT AURANGABAD.

WRIT PETITION NO.3675 OF 2018

Deelip Narsingrao Rekulwad,
Age 41 years, Occ.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, Dist.Latur.

3. Shri Saibaba Primary
Vidaymandir, Ghavan,
Tq.Jalkot, Dist.Latur,
through its Head Master. ... Respondents.

...

**WITH
WRIT PETITION NO.3681 OF 2018.**

Mahendra Madhavrao Tote,
Age 40 years, Occ.Service,
R/o Shivaji Nagar, Nanded,
Dist.Nanded. ... Petitioner.

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
through its Member Secretary.

2. Sub-Divisional Officer,
Kinwat, Dist.Nanded.

3. Superintendent,
Post Offices Pune
Mofussil Division,
Pune-411 042.

... Respondents.

...

Mr.S.S.Phatale, advocate for the petitioners.
Mrs.A.V.Godhalekar, Additional Government
Pleader, Mr.A.S.Shinde, A.G.P. for the State.

...

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

Date : 11.04.2018.

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

1. Heard.

2. Rule. With the consent of the parties,
the 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, not certifying them 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, these petitions also deserve to be allowed and the same are accordingly allowed.

5. The order impugned in these petitions stand 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 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 petitioner, without embarking upon any further enquiry in the matter. On receipt of corrected certificate, 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 proposals within a period of one year from the date of receipt of the corrected certificate together with proposals if any. It would be open for the petitioners to tender the corrected certificate and the proposals directly to the Scrutiny Committee and the Scrutiny Committee shall entertain the same and shall proceed to decide the matter on its own merits and shall not reject it on any technical ground.

6. Rule is made absolute 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.

Sd/-

(A.M.DHAVAL, J.)

Sd/-

(S.V.GANGAPURWALA, J.)

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