

UNREPORTED

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

BENCH AT AURANGABAD.

WRIT PETITION NO.5335 OF 2017

Pramod S/o Dilip Bastewad,
Age 26 years, Occ.Service,
R/o Tamsa, Tq. Hadgaon,
Dist.Nanded. ... 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. The Sub-Divisional
Magistrate/Competent
Authority, Bhokar, Tq.
Bhokar, Dist.Nanded.

4. Executive Engineer(PWD),
Public Works Department,
East Division, Pune,
B Barrack, Central Building
Area, Camp, Pune,
Dist.Pune. ... Respondents.

...
WITH

WRIT PETITION NO.5334 OF 2017

Laxman S/o Bhikaji Suryawanshi,
Age 55 years, Occ.Service,
R/o Adarsh Colony, Purna(Jn)

Tq.Purna, Dist.Parbhani. ... 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,
Parbhani Tq. and Dist.
Parbhani.

4. Head Master, Vidya Prasarini
Sabha's High School,Purna (Jn),
Tq. Purna, Dist.Parbhani. ... Respondents.

...
WITH

WRIT PETITION NO.5336 OF 2017

Dinesh S/o Diliprao Bastewad,
Age 26 years, Occ.Service,
R/o Tamsa, Tq. Hadgaon,
Dist.Nanded. ... 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. The Sub-Divisional
Magistrate/Competent
Authority Bhokar, Tq.Bhokar,
Dist.Nanded.

4. Assistant Commissioner of
Police, Police headquarters,
Administrative Officer,
Commissioner of Police,
Pune, Dist.Pune. ... Respondents.

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Mr.O.B.Boinwad, advocate for the Petitioners.
Mr.P.S.Patil, Additional Government Pleader for
the State.

...

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

Date : 12.03.2018.

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

. 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 certificates issued to, certifying that they belong 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 orders impugned in the instant petitions stand 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 undertaking to the Scrutiny Committee that, the concerned petitioners would approach the concerned competent issuing authority for ratifying the spelling mistakes/discrepancies in recording the nomenclature of the tribe and shall produce the corrected certificates within a period of eight weeks from the date of receipt of the original certificates. The petitioners shall approach the concerned Sub divisional Officer for recording corrections in the tribe certificates already issued to them. The concerned Sub Divisional Officer shall issue corrected certificates within a period of four weeks from the date of approach of the individual petitioners, without embarking upon any 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 its 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 the corrected certificates together with proposals if any. It would be open for the petitioners to tender the corrected certificates and the proposal directly to the Scrutiny Committee and the Scrutiny Committee shall entertain the same and shall proceed to decide the matters on its own merit and shall not reject it on any technical grounds.

6. Rule is made absolute in the 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 certificates on technical grounds.

Sd/-

(A.M.DHAVAL, J.)

Sd/-

(S.V.GANGAPURWALA, J.)

