

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

WRIT PETITION NO. 5864 OF 2017
WITH
CIVIL APPLICATION NO. 7635 OF 2018

1. Puja D/o Ratilal Akoskar,
Age : 18 Years, Occu: Student,
R/o Kolewadi, Post: Wanewadi,
Dist : Osmanabad.
2. Aarti D/o Ratilal Akoskar,
Age : 16½ Years, Occ : Student,
R/o As above.

...Petitioners

Versus

1. State of Maharashtra,
Secretary of Tribal Dev. Dept.,
Mantralaya, Mumbai-32.
2. Sub-Divisional Officer,
Osmanabad.
3. Scheduled Tribe Certificate
Scrutiny Committee, A'bad,
Through Vice-Chairman.
4. Walchand College of Engineering,
Through its Principal.

...Respondents

Mr. S.M. Kulkarni, Advocate for Petitioners
Mr. P.K. Lakhotiya, AGP for Respondent-State

**CORAM : R. M. BORDE &
A. M. DHAVAL, JJ.**

DATE : 20th JUNE, 2018.

ORAL JUDGMENT (Per R.M. Borde, J)

1. Heard.
2. Rule. With the consent of the parties, petition is 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 them, certifying them that they are belonging to 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 this petition is no more res integrta 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 petition also deserves to be allowed and the same is accordingly allowed.

5. The order impugned in the instant petition 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 the concerned 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 petitioners, 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 proposal, within a period of one year from the date of receipt of the corrected certificate together with proposal if any. 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 and shall proceed to decide the matter on its own merit and shall not reject it on any technical grounds.

6. Rule is made absolute in the above terms.

7. There shall be no order as to costs.

8. In the meanwhile, no coercive action be taken against the petitioners, merely on the ground of invalidation of the tribe certificate on technical ground.

9. In view of the disposal of the writ petition, pending Civil Application does not survive, hence, it is accordingly disposed of.

[A. M. DHAVAL]
JUDGE

[R. M. BORDE]
JUDGE

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