

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

WRIT PETITION NO. 5613 OF 2017

Maroti S/o Sayabu Sudewad,
Age : 30 years, Occu. Service,
R/o. Ganipur, Tq. Umri,
Dist. Nanded.

... Petitioner

VERSUS

1. Scheduled Tribe Certificate Scrutiny Committee,
Aurangabad, through its Member Secretary
2. Sub-Divisional Officer, Dharmabad,
Dist. Nanded.
3. The Secretary, Shiv Chhatrapati Shikshan Sanstha,
Latur, C/o. Rajarshi Shahu Mahavidyalaya,
Latur, Dist. Latur.
4. The Principal,
Rajarshi Shahu Mahavidyalaya (Autonomous),
Latur, Dist. Latur.
5. The Joint Director of Higher Education,
Nanded Region, Nanded.
6. The Registrar,
Swami Ramanand Tirth Marathwada University,
Nanded, Dist. Nanded.

... Respondents

WITH

WRIT PETITION NO. 5612 OF 2017

Parmeshwar S/o Maheshlal Nande,
Age : 45 years, Occu. Service,
R/o. Nanded, Tq. & Dist. Nanded.

... Petitioner

VERSUS

1. Scheduled Tribe Certificate Scrutiny Committee,
Aurangabad, through its Member Secretary
2. Sub-Divisional Officer, Aurangabad,
Dist. Aurangabad.
3. Zilla Parishad, Nanded
Dist. Nanded, through its
Chief Executive Officer ... Respondents

**WITH
WRIT PETITION NO. 5597 OF 2017**

Gangadhar S/o Ramkishan Akulwar,
Age : 26 years, Occu. Service,
R/o. Tamloor, Tq. Degloor,
Dist. Nanded. ... Petitioner

VERSUS

1. Scheduled Tribe Certificate Scrutiny Committee,
Aurangabad, through its Member Secretary
2. Sub-Divisional Officer, Degloor,
Dist. Nanded.
3. Maharashtra State Electricity Distribution
Company Ltd., through its Executive Engineer,
Dist. Jalna. ... Respondents

**WITH
WRIT PETITION NO. 5598 OF 2017**

Sunilkumar S/o Sambhaji Ainwad,
Age : 24 years, Occu. Education,
R/o. Elegaoon, Tq. Dharmabad,
Dist. Nanded. ... Petitioner

VERSUS

1. Scheduled Tribe Certificate Scrutiny Committee,
Aurangabad, through its Member Secretary
2. Sub-Divisional Officer, Dharmabad,

Tq. Dharmabad, Dist. Nanded.

3. MIT College of Engineer, Pune,
through its Principal.

... Respondents

WITH
WRIT PETITION NO. 5599 OF 2017

Sudarshan S/o Sambhaji Ainwad,
Age : 22 years, Occu. Education,
R/o. Elegaan, Tq. Dharmabad,
Dist. Nanded.

... Petitioner

VERSUS

1. Scheduled Tribe Certificate Scrutiny Committee,
Aurangabad, through its Member Secretary
2. Sub-Divisional Officer, Dharmabad,
Tq. Dharmabad, Dist. Nanded.
3. Walchand College of Engineering, Sangli,
through its Principal.

... Respondents

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In all matters:

Shri. Sagar S. Phatale, Advocate for the petitioners
Mr P. S. Patil, AGP for respondent/State

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 05TH MARCH, 2018.

ORAL JUDGMENT (PER S. V. GANGAPURWALA, J.) :-

1. Heard.

2. Rule. Rule made returnable forthwith. 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, 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, 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 undertakings 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 certificates. The petitioners shall approach the concerned Sub Divisional Officer for recording correction 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 petitioner, without embarking upon any further enquiry in the matter. On receipt of corrected certificates, 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 certificates and render decision on the proposals, within a period of one year from the date of receipt of the corrected certificates together with proposal 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 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.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde