

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

WRIT PETITION NO. 5863 OF 2017

1. Shyam S/o Baburao Akoskar,
Age : 53 Years, Occu. : Service,
R/o Kolewadi, Post Wanewadi,
Dist. Osmanabad.
2. Raviraj S/o Shyam Akoskar,
Age : 22 Years, Occu. : Student,
R/o As above. .. Petitioners

Versus

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

Shri Suresh M. Kulkarni, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 5.

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

DATE : 22ND FEBRUARY, 2018.

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

. 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, on technical ground of occurrence of spelling mistake, or discrepancies in writing the nomenclature of the tribe in the certificates issued by the concerned Sub Divisional Officer.

4. The issue raised in this petition 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 petition also deserves to be allowed and the same is accordingly allowed.

5. The orders impugned in the instant petition 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 scrutiny committee for ratifying the spelling mistake/discrepancy 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 certificate. 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 petitioners, 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 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 proposal if any. It would be open for the petitioners to tender the corrected certificates 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 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 mean while, no coercive action be taken against the petitioners, merely on the ground of invalidation of the tribe certificates on technical ground.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 18