IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITON NO. 9337 OF 2018

Shrikant Babanrao Pandhare
Age- 30 years Occu- Service,
R/o Sanja Road, S.T. Colony,
Osmanabad Tq. & Dist. Osmanabad .. Petitioner

Versus

1. The State of Maharashtra,
Throught its Principal Secretary
Tribal Development Department, Mantralaya,
Mumbai-32

2. The Scheduled Tribe Caste Scrutiny/
Verification Committee, Aurangabad

3. The Tahsildar/Competent Authority,
Osmanabad, Tq. & Dist. Osmanabad.

4. Competent Authority/Sub Divisional Magistrate,
Osmanabad, Tq. And Dist. Osmanabad .. Respondents

Shri. O. B. Boinwad, Advocate for Petitioner.
Shri. P. K. Lakhotiya, A.G.P. for Respondent/State.

CORAM : S.V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.
DATED : 13th August, 2018

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

1. Heard.

2. Rule. With the consent of the parties, petition is taken up for final decision at admission stage.

3. The petitioner is taking exception to the decision rendered by the Scrutiny Committee, directing invalidation of the tribe certificate issued to him of 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 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 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 petitioner shall tender an undertaking to the Scrutiny Committee that the concerned petitioner 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 petitioner shall approach the concerned Sub Divisional Officer for recording correction in the tribe

certificate already issued to him. 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 petitioner 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 petitioner 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 mean while, no coercive action be taken against the petitioner, merely on the ground of invalidation of the tribe certificate on technical ground.

[SUNIL K. KOTWAL, J.] **[S. V. GANGAPURWALA, J.]**

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