

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7447 OF 2018

Motiram S/o Gangadhar Dharmod .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

...
Mr. Apparao Yenegure, Advocate for petitioner
Mr. V.S. Badakh, A.G.P. for respondent-State
...

CORAM : NARESH H. PATIL,
 ACTING CHIEF JUSTICE &
 SUNIL P. DESHMUKH, J.
DATE : 27-08-2018

ORAL ORDER :

1. Petitioner was issued a caste certificate dated 16-04-2010 by Sub Divisional Officer, Degloor, Dist. Nanded, certifying him to be belonging to "Mannerwarlu" Scheduled Tribe. Petitioner initiated proceedings before respondent no.2 - The Scheduled Tribe Certificate Scrutiny Committee, Aurangabad Division, Aurangabad, for validating his caste claim. By order dated 25-05-2017, the respondent no. 2 had rejected petitioner's claim and confiscated the certificate. It was noticed that the caste referred in the certificate was not in accordance with the

Presidential Notification. It is submitted that under the Presidential Notification, the caste is mentioned as **"Mannervarlu"**.

2. Both the learned counsel submit that similar issue in respect of caste "Koli Mahadev" wherein caste had been spelt as "Koli Mahadeo", has been addressed by this Court. One such order passed by a Division Bench of this Court (Coram : S.V. Gangapurwala and A.M. Dhavale, JJ.) in writ petition no. 2681 of 2018 dated 13th March, 2018 has been brought to our notice.

3. Learned A.G.P. submits that if the matter is remanded back then the concerned authority would pass appropriate orders accordingly.

4. In the light of the view already adopted by this court, we quash and set aside the impugned order passed by respondent no. 2 - The Scheduled Tribe Certificate Scrutiny Committee, Aurangabad annexed at Exhibit - "D" to the petition. The matter is remanded back.

5. Petitioner is entitled to file application before Sub Divisional Officer, Dharmabad, Dist. Nanded, for carrying out necessary correction in respect of the caste from "Mannerwarlu" to **"Mannervarlu"**. On receipt of such an application, the concerned

Sub Divisional Officer shall verify all existing original registers and records maintained by the office and, thereafter issue fresh certificate, certifying the petitioner to be belonging to caste "**Mannervarlu**" within a period of four weeks from date of receipt of the application.

6. In case the petitioner receives fresh certificate, he will be entitled to approach the Scheduled Tribe Certificate Scrutiny Committee, Aurangabad, for verifying his caste claim.

7. Writ petition stands disposed of accordingly.

[SUNIL P. DESHMUKH]
JUDGE

ACTING CHIEF JUSTICE

arp/