

(1)

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

WRIT PETITION NO.2458 OF 2019

1. Abhishek s/o Ramakant Mirewad,
Age: Minor, Occu: Education,
R/o: Kalkawadi, Tq. Kandhar,
Dist. Nanded,
Through father/natural guardian
Ramakant s/o Devrao Mirewad,
Age: 43 years, Occu: Labourer,
R/o: As above

2. Omkar s/o Ramakant Mirewad,
Age: Minor, Occu: Education,
R/o: Kalkawadi, Tq. Kandhar,
Dist. Nanded,
Through father/natural guardian
Ramakant s/o Devrao Mirewad,
Age: 43 years, Occu: Labourer,
R/o: As above

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Secretary to Tribal Development
Department, Mantralaya,
Mumbai

2. The Sub Divisional Officer,
Kinwat, Dist. Nanded

..RESPONDENT

Mr S. M. Vibhute, Advocate for petitioners;
Mrs M. A. Deshpande, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 21st February, 2019

(2)

ORAL ORDER:

Heard learned counsel for the petitioners.

2. The petitioners are the students prosecuting their studies in 12th class and 9th class, respectively. A caste certificate had been issued in favour of the petitioners by the Sub Divisional Officer on 20th September, 2011. As there was an error in the tribe certificates referring the status of the petitioners and instead of tribe as 'Koli Mahadev', it was referred as 'Mahadev Koli'. The petitioners submitted an application to respondent No.2 - Sub Divisional Officer, Nanded, seeking fresh certificates with a proper nomenclature.

3. Our attention was invited to the Government Circular dated 22th June, 2016. It is also submitted by the learned Counsel for the petitioners that this very issue was considered by this Court in the judgment and order dated 4th February, 2016 in Writ Petition No.1242 of 2016 and Writ Petition No.1418 of 2016. Learned counsel submitted that the petitioners are also aware of the new procedure, namely, submission of on-line application to the Sub Divisional Officer for issuance of tribe certificates and the petitioners are ready to undertake the exercise of submission of applications by way of on-line process. It is further submitted that as the petitioners are in need of tribe certificates for future education, respondent No.2 be directed to issue tribe certificates expeditiously.

(3)

4. Our attention was invited to the order of this Court dated 27th November, 2018 in Writ Petition No.12472 of 2018. We see no reason to take a different view than the view adopted by the Division Bench of this Court in its order dated 27th November, 2018.

5. The petitioners undertake to tender on-line applications to the Sub Divisional Officer for issuance of tribe certificates within one week.

6. On tendering of the applications as well as presentation of the hard copies of the applications to the Sub Divisional Officer along with the tribe certificates already issued to the petitioners recording entry of the tribe as 'Mahadev Koli', the Sub Divisional Officer shall, without embarking upon further enquiry into the matter, issue corrected tribe certificates recording name of the tribe as 'Koli Mahadev', as expeditiously as possible and preferably within eight weeks from the date of tendering the applications.

With the above directions, the writ petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)