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

WRIT PETITION NO.2753 OF 2019

Nilkanth s/o Laxman Kamthewad,
Age: 33 years, Occ: Agri.,
R/o. Kushnoor, Tq. Naigaon (Kh),
Dist. Nanded ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary to
Tribal Development Department,
Mantralaya, Mumbai
2. The Sub Divisional Officer,
Biloli, Dist. Nanded ..RESPONDENTS

Mr Sunil M. Vibhute, Advocate for petitioner;
Mr S.S. Dande, A.G.P. for respondent/State;

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

DATE : 1st MARCH, 2019

ORAL ORDER :

Heard Mr. Vibhute, learned Counsel
appearing for the petitioner.

2. On the backdrop of principal prayer in the

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petition i.e. prayer clause - B - "The respondent No. 2 Sub Divisional Officer may kindly be directed to correct the nomenclature of the Tribe in the Tribe Certificate of the petitioner as 'Mannervarlu' in stead of 'Mannerwarlu', and issue such corrected Tribe Certificate to the petitioner having proper nomenclature as 'Mannervarlu' Tribe, as early as possible" and as this aspect is considered by this Court in various judgments, the petition is disposed of at admission stage. Issue notice to the respondents, returnable forthwith. Learned A.G.P. waives service of notice for both the respondents.

3. The petitioner was interested to stake his claim for dealership of retail outlet petrol pump of Hindustan Petroleum Corporation Limited and submitted his claim, as he was desirous of starting outlet and for that purpose, the petitioner wants to take his claim as a candidate belonging to reserved category and was in need of such certificate issued by the competent authority.

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4. Learned Counsel for the petitioner submits that the issue insofar as incorrect nomenclature and directions to the authorities to issue fresh certificate with correct nomenclature is no more *res integra* in view of various decisions of this Court. Reliance is placed on the order of this Court dated 21st February, 2019 in Writ Petition No. 2457 of 2019.

5. The petitioner has submitted on line application to the Sub Divisional Officer, Biloli on 22nd February, 2019 for issuance of fresh certificate with correct nomenclature. The tribe certificate issued by the Sub Divisional Officer, Nanded, dated 16th September, 2009 is also placed on record at Exhibit-A to submit that this tribe certificate refers to incorrect nomenclature i.e. 'Mannerwarlu ST', in stead of 'Mannervarlu ST'.

6. The petitioner undertakes to tender on line application to the Sub Divisional Officer for issuance of tribe certificate within one week.

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7. On tendering of the application as well as presentation of the hard copy of the application to the Sub Divisional Officer along with the tribe certificate already issued to the petitioner recording entry of the tribe as 'Mannerwarlu', the Sub Divisional Officer shall, without embarking upon further enquiry into the matter, issue corrected tribe certificate recording name of the tribe as 'Mannervarlu', as expeditiously as possible and preferably within eight weeks from the date of tendering the application.

8. With these directions, the petition is disposed of.

(S.M.GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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