

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

WRIT PETITION NO. 1064 OF 2019

- 1) Snehal d/o Manoj Korteekar,
Age 16 years, Occ. Student.
- 2) Bhavana d/o Manoj Korteekar,
Age 15 years, Occ. Student.
- 3) Kanhopatra d/o Manoj Korteekar,
Age 11 years, occ. Student.
- 4) Vaibhav s/o Manoj Korteekar,
Age 8 years, Occ. Student.

Under guardianship of their father
Manojkumar s/o Vitthal Korteekar,
Age Major, Occ. Service, r/o. Chinchpur,
(D) Tq. Bhoom, Dist. Osmanabad.

... **Petitioners.**

Versus

1. The State of Maharashtra,
Tribal Development Department,
Mantralaya, Mumbai -32.
Through its Secretary.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Division Aurangabad, Through
its member Secretary.
3. The Sub-Divisional Magistrate Bhoom,
Tq. Bhoom, Dist. Osmanabad.

... **Respondents.**

...

Mr. Jadhav Vivek U., Advocate for petitioners.
Mr. M. A. Deshpande, A.G.P. for respondents.

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

DATE : 25th JANUARY, 2019.

ORAL ORDER :

1. Heard learned counsel for petitioners.
2. The petitioners are the students and the petition is filed in this Court through their natural guardian, father. Considering the issue raised in the petition, we are of the opinion that the petition can be disposed of at the admission stage.
3. Caste certificates issued in favour of these petitioners are placed on record. Perusal of caste certificates shows that the petitioners belong to 'Koli Mahadeo Scheduled Tribe' category. In the caste certificates, there is reference to the social status of these petitioners read as 'Koli Mahadeo'. For validation of the caste certificates, applications were submitted to the Scrutiny Committee. An objection was raised to submit that there is an error in the caste certificate and though in the application, it is stated that the petitioners belong to 'Koli Mahadev' caste, certificate referred to as 'Mahadeo'. It was informed to the petitioners to get the corrected certificates from the Competent Authority.
4. Learned counsel for petitioners submitted that the very issue

of an error in reference to the categories, such as, 'Koli Mahadeo', etc, was considered by this Court and in Writ Petition No. 6263 of 2017. While dealing with the issue in detail the Division Bench of this Court issued certain directions to the authorities to issue corrected tribe certificates. The Sub-Divisional Officer, Bhoom, Tq. Bhoom, District Osmanabad, was apprised of these facts by way of applications. Copies of these applications are placed on record. It is then submitted that though the petitioners made an attempt to submit these applications in the office of Sub-Divisional Officer, Bhoom, the authority refused to accept these applications, as such, the petitioners were left with no choice but to submit these applications through registered post and the copies of the acknowledgment of registered post are also placed on record. Learned counsel submitted that the petitioner No. 1 is studying in 12th standard classes in Dayanand Science Junior College, Latur, and is desirous of seeking admission for professional courses after completion of her 12th standard and for that purposes the petitioner No. 1 would require a validity certificate and for such validation, it would be necessary for the petitioner to have a caste certificate for validation, issued by the competent authority. Similarly, the other petitioners are prosecuting their studies and would need such certificates in due course of time. On these submissions, the learned counsel prays for allowing the petition in terms of prayer clause 'B'.

5. As the documents placed on record are either earlier certificate issued by the Sub-Divisional Officer or the applications submitted by the petitioners, as such, we see no reason to accept these documents on their face value. Learned counsel for petitioner was justified in placing reliance on the judgment of this Court in Writ Petition No. 6263 of 2017 and it would be relevant for our purposes to refer the relevant directions by the Division Bench in an identical situation. It may not be out of place to mention that the Division Bench also referred to the large number of the matters, wherein there is difference in the spelling of the status of the candidates belonging to 'Mannervarlu' and 'Kolimahadeo'. This reference is in paragraph No. 4 of the judgment. Paragraph 17 of the judgment and order refers to the directions and the same reads thus :

"17. It is noticed that in certain cases, the tribe certificates are issued by the Executive Magistrates and in accordance with rules, the Sub Divisional Officers have been now authorized to issue certificates. In such cases, the concerned Sub Divisional Officer, exercising the jurisdiction over the area, shall issue the corrected tribe certificate, on receipt of an application by the individual petitioner, together with original tribe certificate issued by the Executive Magistrates. The corrected certificate shall be issued as above within a period of four weeks from the date of receipt of the application/s, without embarking upon any fresh enquiry.

On receipt of the corrected tribe certificate, the concerned petitioner shall submit the same to the scrutiny committee forthwith. The scrutiny committee shall proceed to decide the matter and take decision on the proposal in respect of verification of the tribe certificates, on merits and in accordance with law, as expeditiously as possible and preferable within a period of one year from the date of receipt of the corrected certificate from each of the petitioners. The scrutiny committee, hence forth, shall not reject the verification claims merely on the ground of occurrence of spelling mistake in recording the name of the tribe and shall proceed to decide the claim of an individual as belonging to a particular tribe on merits. In such circumstances, the scrutiny committee shall direct petitioners to produce corrected tribe certificate and shall issue necessary directions for recording corrections to the competent authority by keeping the proposals pending."

6. Considering the facts as stated above, the learned counsel for the petitioners made out a case. Resultantly, the petition is allowed in terms of prayer clause 'B' and dispose of accordingly.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

mkd