

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

WRIT PETITION NO.5847 OF 2022

**VINOD KASHINATH JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...
Advocate for the Petitioner : Shri Bayas Anandsingh and Shri
Avhad S.R.

AGP for the Respondents/ State : Shri S.K. Tambe

...

**CORAM : RAVINDRA V. GHUGE
&
ANIL L. PANSARE, JJ.**

DATE :- 14th July, 2022

Per Court :-

1. The petitioner is before this Court in peculiar circumstances. He was issued with the Scheduled Tribe certificate with the spelling “Tokare Koli” instead of the correct spelling “Tokre Koli”. He was informed vide the order dated 16.12.2021 passed by the Scrutiny Committee that his proceedings are closed because of the spelling mistake. He applied to the Sub Divisional Officer, Jalgaon on 21.01.2022 for a corrected certificate. He has to surrender the original certificate and only then, he can get the corrected certificate. The petitioner

has joined the service as an Assistant Teacher in 1995 and now he is under a threat of termination.

2. In view of the above, since respondent Nos.5 and 6 have no role to play, this Writ Petition is disposed off with the following directions :-

(a) The petitioner shall appear before respondent No.2/ Committee on 25.07.2022 at 12:00 noon.

(b) The petitioner shall collect his erroneous original tribe certificate from respondent No.2/ Committee and tender the same before respondent No.3 on 10.08.2022 at 12:00 noon.

(c) Respondent No.3 would issue the correct certificate on 12.08.2022 at 04:30 PM and the petitioner would collect the same from his office on the said date and time.

(d) The petitioner would then submit the said certificate in his proceedings No.Jag/Serv/Cr-819-DII(2) before respondent No.2/ Committee on 22.08.2022 at 10:30 AM.

(e) Respondent No.2/ Committee shall reopen the said proceedings from the stage at which the proceedings were closed by taking on record the correct certificate and proceed to deal with the same in accordance with the scheme set out under the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified

Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

(f) Respondent No.2/ Committee shall decide the claim of the petitioner as expeditiously as possible and in any case, on or before 28.02.2023.

(g) Respondent Nos.5 and 6 shall be restrained from terminating the service of the petitioner until 28.02.2023 or till the decision of respondent No.2/ Committee, whichever is earlier.

(h) The petitioner shall place a copy of this order before respondent Nos.5 and 6 within two weeks from today.

kps (ANIL L. PANSARE, J.) (RAVINDRA V. GHUGE, J.)