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

904 WRIT PETITION NO.9413 OF 2022

**HIRALAL RAMDAS THAKARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr P. V. Jadhavar, Advocate for petitioner;
Mr S. G. Sangle, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 23rd September, 2022

PER COURT:

1. Before we proceed to decide this petition, we deem it appropriate to mention that, this is one more petition, wherein a spelling mistake in the name of the caste or the tribe, not at the behest of or attributable to the petitioner, has led to unnecessary legal expenditure, serious prejudice and manifest inconvenience to the petitioner, besides, suffering hardships.

2. The petitioner has put forth prayer clauses (B) and (C), which read as under :-

“B) By way of an appropriate writ, order or direction in like nature may kindly quash and set aside impugned order

(2)

dated 04/02/2022 passed by scrutiny committee and orders dated 18/07/2022 passed by Sub Divisional Officer, Dhule.

C) By way of an appropriate writ, order or direction in like nature may kindly issue direction against the Sub Divisional Officer, Dhule, to issue tribe certificate in favour of petitioner as belongs to Tokre Koli Scheduled Tribe in the form-C and the scrutiny committee accept the petitioner proposal of tribe claim.”

3. The petitioner was issued with a ‘Tokare Koli’ Scheduled Tribe Certificate by the Competent Authority and there is no dispute as regards the origin of the Certificate. The Certificate dated 06/07/1995 contains handwritten text as “Hindu Tokare Koli”. It is not the case of the respondents, that the authority issuing the Certificate was unaware of the spelling of the ‘Tokare Koli’, as is prescribed in the presidential order of the year 1950. Apparently, this is a mistake committed by the Authority issuing the Certificate.

4. Armed with this Certificate, the petitioner approached the Competent Committee for seeking validation of his tribe claim, on 16/11/2012. After almost 10 years, the Committee passed an order on 04/02/2022, cancelling the Tribe Certificate on account of the spelling mistake and directed the petitioner to apply for a fresh Form ‘C’ Tribe Certificate. The petitioner approached the

(3)

Competent Sub Divisional Officer, Dhule on 22/04/2022. An application as prescribed was filed. On 18/07/2022, the Sub Divisional Officer rejected the application, by assigning reasons that the evidence put forth by the petitioner is not sufficient to pass an order issuing the 'Tokre Koli' Scheduled Tribe Certificate.

5. The learned A.G.P. submits that, it is for particular reasons, that the Sub Divisional Officer has passed the order, refusing to grant the Tribe Certificate. He further submits that, the earlier Certificate which contains a spelling mistake, was issued on 06/07/1995, which is prior to the introduction of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes, (Vimukta Jatis) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Act, 2000 (for short 'the said Act'). After the introduction of the said Act, the Competent Authority is duty bound to consider each application meticulously and after an in-depth scrutiny, pass appropriate orders. Once the Sub Divisional Officer passes the order, the law permits the petitioner to avail of a statutory remedy by approaching the Scrutiny Committee. He, therefore, submits that, this petition should not be entertained.

(4)

6. Since the petitioner has a statutory remedy, and as there are certain reasons assigned by the Sub Divisional Officer while rejecting the application of the petitioner, the law mandates that the Committee should consider every contention of the petitioner in the appeal, that the petitioner would file.

7. In view of the above, this petition is disposed off.

8. Let the petitioner prefer an Appeal before the Competent Committee, on or before 04/10/2022. The Committee shall, thereafter, follow the due procedure laid down in law. Considering the Diwali vacation, we are granting time to the Committee, to decide the Appeal, which would be preferred by the petitioner, till 30/11/2022. We would not grant extension of time to the Committee.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

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