

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

906 WRIT PETITION NO.9995 OF 2022

RAJENDRA DAGDUBA NIRMALE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. Avinash A. Phad.

AGP for Respondent No.1 : Mr. S. G. Sangle.

Advocate for Respondent Nos.2 & 3 : Mr. P. D. Suryawashi.

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CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 06th December, 2022.

Per Court:

1. Leave to add Sub-Divisional Officer, Parali as respondent No.4. Addition be carried out forthwith.

2. Issue notice to the added respondent. The learned AGP waives service of notice on behalf of the added respondent.

3. On 30th September, 2022, we had passed the following order:-

“1. The petitioner desires that his school records be corrected to the extent of the entry with reference to his caste. The school record indicates the religion as “Hindu” and the caste as “Nandiwale Tirmal”. The

petitioner contends that there is no caste by such nomenclature and what is available is “Tirmal”, which is Nomadic Tribe-B.

2. Issue notice to respondent Nos. 1 and 2. The learned AGP waives service of notice on behalf of respondent No.1. Shri Suryawanshi, the learned advocate, waives service of notice on behalf of respondent Nos.2 and 3.

3. By consent of the parties, list this petition on 13.10.2022 for “disposal”.

4. The petitioner shall produce the school extracts of his brother and the record of his father pertaining to their caste, on the returnable date.”

4. The petitioner has placed before us the record of his brother and relatives alongwith a short affidavit. The record indicates that the three generations of the petitioner are known to be belonging to the “Hindu Religion” with the Tribe as “Tirmal”. In some places, it is written as “Hindu Nandiwale Tirmal”.

5. The learned advocate for the petitioner submits that the reason for approaching this Court seeking deletion of the word “Nandiwale” and for retaining the word “Tirmal”, is because his father and grandfather have been given Tribe Certificates by the SDO, Parli,

declaring their social status as “Tirmal” recognized as “Nomadic Tribe (B) at serial No.18 under the Government Resolution CBC-1361-M dated 21/11/1961 and CBC-10/2006/P.No.94/MVC-5 dated 25/11/2006. He has not been given a tribe certificate because his record contains the words “Nandiwale Tirmal”.

6. We have perused entry No.18 below Nomadic Tribes set out in the list of Scheduled Castes, Scheduled Tribes and Other Backward Classes, in the State of Maharashtra. The entry at serial No.18 below (g) Nomadic Tribes, indicates the caste / tribe as “तत्सम”. It is undisputed before us that “Nandiwale” and “Tirmal” cannot be segregated and are not stand alone tribes or akin tribes. “Nandiwale Tirmal” has to be read together.

7. In view of the above, this petition need not be entertained and the same is disposed off.

8. Needless to state, the petitioner would be at liberty to apply to the Sub-Divisional Officer, Parali seeking issuance of a tribe certificate of “Nandiwale Tirmal” at serial No.18 and the Sub-Divisional Officer, after verifying the certificates issued to the father and the grandfather, would issue an appropriate certificate, as expeditiously as possible, and preferably on or before 15th January, 2023.

9. Needless to state, all the authorities concerned, while dealing with the case of the petitioner, would proceed on the premise that his caste is “Nandiwale Tirmal” and let there be no objection raised on this issue, considering the entry at serial No.18.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]