

(1)

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

39 WRIT PETITION NO.3753 OF 2023

**MADHURI SUDHAKAR SURYWANSHI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

Mr S. R. Barlinge, Advocate for Petitioners;
Mr S. G. Karlekar, A.G.P. for Respondents/State

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

DATE : 3rd April, 2023

PER COURT:

1. Leave to correct the name of the father of Petitioner No.2 as 'Sudhakar'. Correction be carried out forthwith.
2. Both the Petitioners are siblings. Both are aggrieved by the impugned orders dated 25/11/2021, passed by the Competent Committee, and the order of the Sub Divisional Officer, dated 29/07/2009.
3. We find from the impugned orders of the Committee that, after almost 11 years of the pendency of the proceedings for seeking validation of the claim of belonging to 'Tokre Koli'

(2)

Scheduled Tribe, the Committee has passed the impugned order, concluding that, there is a spelling mistake in the tribe certificates of these Petitioners. According to the Committee, the spelling should be 'Tokre Koli'. What has been typed in the certificates is 'Tokare Koli'.

4. We have already taken a view that, henceforth, the Committee would not close the validation proceedings on account of a spelling mistake. At best, they may direct the candidate to seek a replacement of certificate with appropriate spelling. They would not close the proceedings only on these grounds. In Writ Petition No.12624/2022, we have directed that, henceforth, if any such order is noticed by us vide which, the proposal is disposed off only on such technical grounds and the candidate is directed to resubmit a fresh proposal, we would be imposing heavy costs on the members of the Scrutiny Committee for having indulged in dereliction of duties in not scrutinizing the proposals properly at the time of receiving them and raising such objections after a period of five years or 10 years when the candidate is handed down a final order. We have directed the Principal Secretary, Tribal Development Department, State of Maharashtra, Mantralaya, Mumbai; the Principal Secretary, Social Justice and

(3)

Special Assistance Department, State of Maharashtra, Mantralaya, Mumbai; the Commissioner, Tribal Research and Training Institute, Pune, (TRTI) and the Commissioner, Dr.Babasaheb Ambedkar Research and Training Institute, Pune, (BARTI), to issue standing instructions in this regard to all the Scrutiny Committees in the State of Maharashtra, which are empowered to conduct such scrutiny for the purpose of grant of validity certificates under 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. These authorities would be at liberty to direct the Scrutiny Committees to make assessment as regards such orders having been passed and recall such orders by issuing notices to the applicants. Thereafter, the original certificates be returned to the applicants so as to be got corrected and to be produced in the same pending proceedings for adjudication, which shall not be disposed off on technical grounds.

5. In the present case, the impugned orders are passed before we had passed the above order.

(4)

6. In view of the above, this petition is disposed off with following directions :-

(a) The proceedings of both these Petitioners before the Competent Scheduled Tribe Committee at Nandurbar, stand restored to the file of the Committee.

(b) The Petitioners would tender online applications to the Competent Sub Divisional Officer and seek replacement of their tribe certificates with appropriate spelling 'Tokre Koli'.

(c) Within 15 days of receiving such online certificates and the Petitioners returning the original tribe certificates, the Sub Divisional Officer would issue corrected certificates.

(d) The Petitioners would tender such certificates to the Committee as soon as they receive it and the Committee shall thereafter, proceed with the validation proceedings at the stage, at which they were aborted.

(5)

7. Since, we are informed that the Nandurbar Committee, which was earlier dealing with the cases from Jalgaon, the proceedings of the present Petitioners would be dealt with by the Competent Committee at Dhule.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

sjk