

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO.8110 OF 2022

ADINATH DATTA RUDRE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
ANOTHER

Advocate for Petitioner : Mr. G.K. Chinchole h/f Mr S.M. Vibhute
AGP for Respondents: Mr. S.G. Karlekar

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 19th JANUARY, 2023.**

PER COURT :-

1. On 12.01.2023, we had passed the following order:-

"1. The petitioner had approached the S.D.O. Majalgaon only for the purpose of correction in the Scheduled Tribe certificate and to obtain the certificate in Format 'C' for the purpose of seeking validation of his claim. He is a student belonging to the Koli Mahadev Scheduled Tribe category.

2. The petitioner received the scheduled tribe certificate dated 25.07.2011 with a typographical mistake as 'Mahadeo Koli'. We are informed that earlier it was a habit of issuing a certificate as "Mahadeo Koli". In the recent past, the competent committee vested with jurisdiction to grant validity certificates, noticed that the presidential order contains the description as 'Koli Mahadev'. As such, in cases where the certificate spells the tribe as 'Koli Mahadeo', was also objected to by the Committee and such certificate was returned / cancelled with liberty to fetch / acquire a certificate with the proper nomenclature as 'Koli Mahadev'.

3. *Though the learned AGP has strenuously defended the impugned order, we find it beyond comprehension as to how has the SDO passed the impugned order dated 14.06.2022 concluding that the "caste should be read as it is". In hundreds of cases, over the past decade, this Court has directed the SDO to issue corrected certificates on account of spelling mistakes like Mannervarlu being spelt with "w" instead of "v" and Koli Mahadev being spelt as "Koli Mahadeo" or Mahadev Koli". In the instant case, we find that the impugned order clearly indicates non application of mind by the S.D.O. A long order has been passed by the S.D.O. ,which is nothing but wastage of paper and ink, instead of merely correcting the mistake and issuing the corrected order, after confirming the source of the certificate.*

4. *This was a fit case wherein costs of Rs.10,000/- could be imposed upon the SDO to compensate the Petitioner. However, before passing any order, we find it appropriate to grant an opportunity of hearing to the concerned S.D.O. Ms. Nilam Bharat Bafna.*

5. *As such, stand over to 19.01.2023 in the "Passing Orders Category". After considering the explanation of the said S.D.O., who would remain present in the Court on the said date, we would pass further orders."*

2. The concerned Sub Divisional Officer, Ms. Nilam Bharat Bafna is present in the court. The learned A.G.P. tenders an affidavit dated 19.01.2023, sworn by the said Officer and an unconditional apology has been tendered in paragraph No.2. In this backdrop we have also perused the application filed by the petitioner's father, (since the petitioner was minor), which does not seek correction in the tribe certificate. He has merely stated that he prays for certificate in the

format 'C' without seeking corrections. The learned A.G.P. submits that the Sub Divisional Officer tenders an apology.

3. In view of the above, considering that this is first lapse on the part of the concerned Officer and as we do not find any malafides, the explanation is accepted.

4. The petitioner now will make an online application on or before 31.01.2023 for seeking correction in the tribe certificate, so as to correctly read as "Koli Mahadev" and such certificate be issued in format 'C'. Let the concerned Sub Divisional Officer issue such certificate on or before 28.02.2023.

5. With the above directions, this petition is disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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