

jvs

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2540 OF 2023

SALUNKE
J V

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Ajay s/o. Nagorao Bainwad & Anr.} Petitioners
versus
Reserve Bank of India & Ors. } Respondents

Mr. Sahil D. Choudhary h/f. Mr. Chandrakant
Thorat for the petitioners.

Dr. Milind Sathe, Senior Advocate with Ms.
Aditi Phatak, Ms. Kirti Ojha i/b. BLAC & Co.
for respondents 1 & 2 (RBI).

Mr. M. M. Pabale, AGP for State.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
 SANDEEP V. MARNE, J.**

DATE: APRIL 21, 2023

P.C.:

1. The petitioners applied for issuance of caste certificates of Mannervarlu-Scheduled Tribe. The petitioners were issued with the caste certificates of Mannervarlu-Scheduled Tribe. The said certificates were submitted to the Scrutiny Committee for validation. The Scrutiny Committee, upon verification and after conducting vigilance so also upon completion of the entire process, validated the caste certificates and issued validity certificates to the petitioners.

2. The petitioners sought employment with the present respondents 1 and 2. The petitioners 1 and 2 submitted fresh caste certificates to the respondents. The difference is that in the earlier caste certificates, which are validated by the Scrutiny Committee, the spelling of the tribe "Mannervarlu" is wrongly

mentioned; whereas, in the new certificates issued in the form required by the Central Government, the spelling of the Tribe is correctly mentioned.

3. It is the contention of the respondents that the validity certificates have to be obtained as per the caste certificates submitted to them.

4. It appears that there is a technical glitch. In fact, the petitioners ought not to have obtained the fresh caste certificates when the earlier caste certificates were already validated. Be that as it may, the spelling in the earlier caste certificates of the tribe is mentioned as “Mannerwarlu”; whereas, the correct spelling of the tribe is “Mannervarlu”. It is only a technical glitch. Admittedly, there is no tribe named “Mannerwarlu”. It is only a spelling mistake on the part of the SDO in issuing the earlier caste certificates.

5. It is not disputed that the validity certificates are issued to the petitioners with the incorrect spelling of the tribe after conducting entire process and vigilance. The petitioners have also obtained fresh caste certificates with correct spelling and the said caste certificates are also sent by the employer (respondents 1 and 2) to the Scrutiny Committee on 31st January 2023.

6. In light of the above, we pass the following order: -

- (i) The petitioners shall surrender the original validity certificates issued to them with incorrect spelling of the tribe.
- (ii) After the original validity certificates are surrendered by the petitioners, the Scrutiny Committee shall issue fresh validity certificates to the petitioners with correct spelling of the tribe “Mannervarlu” as per the fresh caste certificates within a period of 4 (four) weeks from the date the petitioners surrender the validity certificates with incorrect spelling of the tribe.

- (iii) It is made clear that it would not be necessary for the Scrutiny Committee to again conduct the vigilance and the entire process for issuing the validity certificates.

7. With the aforesaid directions, the writ petition is disposed of. No costs.

8. The learned senior advocate for respondents 1 and 2 submits that the respondents would wait till the fresh validity certificates are issued by the Scrutiny Committee with correct spelling of the tribe.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)