



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

965 CONTEMPT PETITION NO. 311 OF 2024
IN WP/10222/2017

SHANKAR S/O DIGAMBAR GHANTE
VERSUS
AVINASH KORADE

...
Advocate for petitioner : Mr. Vivekanand U. Jadhav
Addl.GP for the respondent – State : Mr. M.M. Nerlikar
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 14 MARCH 2024

ORAL ORDER (MANGESH S. PATIL, J.) :

We have heard both the sides.

2. The petitioner was issued with a scheduled tribe certificate of Koli Mahadev with incorrect spelling of the tribe name.

3. By the order dated 29-08-2017 in writ petition no. 10222 of 2017, the petitioner was directed to surrender the original certificate to the competent authority i.e. respondent no. 1 herein, whereupon the competent authority was directed to issue a fresh certificate with correct spelling of the tribe name. The petitioner was supposed to produce it before the scrutiny committee for validation process.

4. It is pointed out that pursuant to the order, the petitioner approached the office of the respondent no.1 on 13-12-2017 and surrendered his original certificate. He submitted another application

on 17-07-2023. In response, the respondent no. 1, by communication dated 27-07-2023, purportedly informed him that the process of issuance of certificate is an online process, further directing him to make an application through that process and informing him that after scrutiny of his request, a fresh certificate would be issued.

5. Once this Court had directed the respondent no. 1 – competent authority to issue the petitioner a fresh certificate on his surrendering the original certificate, in our considered view, the regular process being followed, of making an online application, scrutiny and issuance of caste or tribe certificate, need not be resorted to. It is not that it is a fresh application for issuance of a certificate for the first time. Already his original certificate was surrendered to the office of the respondent no. 1 way back in the year 2017 about which there is no whisper in the communication dated 18-07-2023.

6. Considering the afore-mentioned aspects, we direct the respondent no.1 to immediately issue the tribe certificate to the petitioner with the correct spelling of the tribe name and in the prescribed form, without insisting him to file any application. The certificate shall be issued within a week.

7. Since the writ petition (writ petition no. 10222 of 2017), wherein the order was passed also granted protection to the petitioner

but he is apprehending a coercive action threatened by the employer, we direct that no coercive action shall be taken against the petitioner till the time the scrutiny committee undertakes and finalizes the validation process.

8. The petitioner shall approach the scrutiny committee with the tribe certificate to be issued to him within a week of receiving it from the respondent no. 1.

9. Contempt petition is disposed of.

10. Parties to act on an authenticated copy of this order.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/