



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.3421 OF 2024

Sambhaji S/o Dharmaraj Mantre,
Age-27 years, Occu:Education,
R/o-Pahadi Pargaon, Tq-Dharur,
Dist-Beed.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Secretary to Tribal Development
Department, Mantralaya, Mumbai,
- 2) The Scheduled Tribe Certificate
Verification Committee, Chh. Sambhajnagar,
Through its Dy. Director (R),
Dist-Chh. Sambhajnagar,
- 3) The Sub Divisional Officer,
Majalgaon, Dist-Beed.

...RESPONDENTS

...
Mr. S.M. Vibhute Advocate for Petitioner.
Mr. K.S. Patil, A.G.P. for Respondent Nos. 1 to 3.
...

**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 2nd APRIL, 2024

ORDER :

1. Present Petition has been filed for following prayer:-

“(B) The order dated 14/06/2022 of respondent No.3 may kindly be set aside and the respondent No.3 Sub Divisional Officer may kindly be directed to correct the nomenclature of the Tribe in the Tribe Certificate of the petitioner as Koli Mahadev instead of Mahadev Koli and issue such corrected Tribe Certificate to the petitioner having proper nomenclature as Koli Mahadev, as early as possible.”

2. Learned AGP waives notice for all the respondents.
3. The factual matrix leading to the Petition are that the Sub-Divisional Officer, Ambajogai issued the tribe certificate to the petitioner on 4th December 2012. However, at that time the nomenclature of the tribe in the certificate was mentioned as “Mahadev Koli” instead of “Koli Mahadev”. Thereafter the petitioner has submitted an application to respondent No.3, who is now the competent authority, on 9th May 2022 for issuing proper tribe certificate i.e. with the correct nomenclature. Even the Government has issued a Resolution dated 22nd June 2016 directing the competent authorities to issue tribe certificates in proper format as prescribed under Rule 2003 framed under the Maharashtra Act No.23 of 2001, having proper nomenclature and entry number of the tribe as per the constitutional list. However, by order dated 14th June 2022, the application came to be rejected and it appears from the said order that the same authority rejected the claim of the petitioner for the tribe

certificate. Important point to be noted is that when already the certificate was issued, then it could not have been reviewed by the same authority. Merely because the earlier certificate was issued by the Sub-Divisional Officer, Ambajogai and the subsequent application is before the Sub-Divisional Officer, Majalgaon, which was in fact for the correction of the nomenclature, respondent No.3 had no jurisdiction to review the order.

4. It appears that the petitioner has filed Appeal before respondent No.2 Committee but then the learned Advocate for the petitioner concedes to the position that Appeal will not lie in respect of the refusal to the correction in the nomenclature of the tribe. Therefore, the impugned order dated 14th June 2022 passed by respondent No.3 deserves to be set aside. Accordingly, it is set aside.

5. The correction in the tribe name in the certificate issued in favour of the petitioner on 4th December 2012 be carried out and the corrected certificate be issued by respondent No.3 in Form-C as per Government Resolution dated 22nd June 2016.

6. The petitioner to surrender the original tribe certificate

issued in favour of the petitioner on 4th December 2012 before respondent No.3 within a period of two weeks from today. After the surrender of the said certificate, respondent No.3 to issue corrected certificate within a period of further two weeks.

7. With the aforesaid directions, the Writ Petition stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/MAR24