



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

WRIT PETITION NO. 6010 OF 2017

Prasad Hanmant Dabade .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Vivek U. Jadhav, Advocate for the Petitioner.
Shri V. M. Chate, A.G.P. for the Respondent Nos. 1 to 3.
Shri V. S. Chaudhari, Advocate for the Respondent No. 4.
Shri V. B. Jadhav, Advocate for the Respondent No. 5.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 26 AUGUST, 2024.**

FINAL ORDER :

. Heard both the sides finally.

2. The petitioner's proposal for validation of his 'Koli Mahadev' scheduled tribe is pending scrutiny by the respondent/Committee.

3. He is challenging order dated 18 March 2017, whereby due to incorrect spelling of the nomenclature of the tribe and referring to the decision of the Supreme Court in the matter of State of Maharashtra Vs. Milind reported in (2001) 1 SCC 4, the Committee cancelled the tribe certificate and disposed of the proposal keeping open the avenue to the petitioner to approach

the competent authority, have a fresh tribe certificate with corrected spelling and to submit a fresh proposal.

4. The learned advocate for the petitioner submits that inspite of passing of such impugned order the Committee has thereafter proceeded to scrutinize the proposal on its own merits and is about to decide it in the forcible future. However, according to the learned advocate, unless the original tribe certificate is in existence which the Committee has already confiscated and cancelled in all probabilities the proposal would be turned down by the scrutiny committee. He submits that though the order has been under challenge in this petition in obedience to the directions of the Committee, the petitioner has submitted a fresh application to the competent authority/respondent No. 3 online, but for want of certificate he is helpless.

5. The learned Assistant Government Pleader as also the learned advocate for the petitioner submit that after passing of the impugned order, the original tribe certificate is handed over to the petitioner and he has tendered it to the competent authority on 26 July 2024.

6. The writ petition is disposed of directing the respondent No. 3/Competent Authority to immediately issue a fresh Koli Mahadev tribe certificate to the petitioner with correct spelling and the nomenclature according to constitutional order. The petitioner shall thereafter submit it to the respondent/Scrutiny

Committee, for being considered by it in the on going scrutiny of the petitioner's tribe claim.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/Aug. 24