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

24 WRIT PETITION NO. 7458 OF 2024

VIJAY DHUDKU SHIRSATH

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

Mr P. V. Jadhavar, Advocate for Petitioner;

Mr S. B. Pulkundwar, A.G.P. for Respondents/State

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 22nd July, 2024

PER COURT:

1. The Petitioner's claim of belonging to the 'Tokre Koli' Scheduled Tribe category is pending validation before the Competent Scrutiny Committee. For a mistake in the spelling of 'Tokre' (correct spelling) as 'Tokare' (wrong spelling), the Committee has confiscated the certificate of the Petitioner. The Petitioner is 55 years of age. The certificate is issued in 1983.
2. The learned Advocate for the Petitioner submits that Respondent No.4/Employer is likely to terminate the service since

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he has failed to submit the validity certificate. He is in employment since 1998.

3. Time and again, we have voiced through our orders that the Government must be extra careful while issuing castes certificates, since they commit mistakes in the spelling, and after a passage of time, during the validation proceeding, the certificate with the wrong spelling is confiscated and the proceedings are dismissed on that ground. This amounts to placing such candidates in jeopardy for the mistake committed by the State Government.

4. The Petitioner has already applied to Respondent No.2/Scrutiny Committee, Nandurbar for the return of the original certificate with the spelling mistake.

5. We direct Respondent No.2 to deliver the certificate to the Petitioner on Friday, i.e. on 26/07/2024 at 1:00 p.m. Thereafter, the Petitioner would make an online application to Respondent No.3/Sub Divisional Officer, Shahada, Dist. Nandurbar and physically surrender the erroneous certificate

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within 15 days. Once the said certificate is received, Respondent No.3 shall issue the corrected certificate within 7 days.

6. The learned Advocate for the Petitioner submits that, the Petitioner would tender an affidavit undertaking that, the Petitioner would not seek increments/promotion/revised pay-scale/service benefits, etc. until his claim is validated by this Court.

7. In view of the above, **this Writ Petition is disposed off.** The Petitioner shall tender the affidavit undertaking, as stated above, in this Court within 21 days and also tender a copy thereof, to Respondent No.4/General Manager (Regional Officer), Ammunition Factory, Khadki, Pune, within the said timeline. If such affidavit undertaking is filed, Respondent No.4 shall not terminate the service of the Petitioner, only for the reason that his claim is pending validation.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk