

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 7291 OF 2016**

1. Ashutosh s/o Rajendra Chavan
Age 18 Years, Occu: Student,
R/o 39, Swami Samarth Nagar,
Dhule Road, Chalisgon, Dist.
Jalgaon
2. Jitendra s/o Bapurao Chavan, ... **Petitioners**
Age 50 years, Occu: Nil
R/o 39, Swami Samarth Nagar,
Dhule Road, Chalisgaon Dist.
Jalgaon.

VERSUS

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32
2. The Scheduled Tribe
Certificate Scrutiny
Committee, Nandurbar Division,
Nandurbar
3. The Director of Medical ... **Respondents.**
Education and Research,
Maharashtra State, Mumbai
4. The Maharashtra University of
Health Science, Nashik
Through its Registrar

Advocate for Petitioner : Mr.Pathan Yunus Baasheer
AGP for Respondents State: Mr. P. S. Patil
Advocate for Respondent No.2 : Mr. S. T. Shelke

**CORAM : R. M. BORDE &
K. L. WADANE, JJ.**

DATE : 29th March, 2017

JUDGMENT (Per R. M. Borde, J.):

1. Rule. Rule made returnable forthwith.
2. With the consent of the parties, taken up for final disposal.
3. The petitioners are objecting to the order passed by the Scrutiny Committee on 12.05.2016 directing invalidation of the tribe certificates issued to the petitioners. The petitioners claim to belong to Koli Mahadev, Scheduled Tribe category and are in receipt of Scheduled Tribe certificates, issued by the Competent authority. Since the petitioner No.1 was desirous of securing admission to professional course and in respect of petitioner No.2 for election purpose, their caste certificates have been referred to the Scrutiny Committee for verification. Scrutiny Committee, after considering the evidence placed on record by the petitioners, directed invalidation of their tribe claims, which order is impugned in the present petition. Petitioner No.2 is real uncle of petitioner No.1.
4. This petition deserves to be allowed only on the ground that this Court, while dealing with Writ Petition No. 1134 of 2010 (Pranav s/o Rajendra Chavan

Vs. state of Maharashtra), decided on 15th October, 2012, directed issuance of validation certificate in favour of real brother of the petitioner No.1. In the said matter, identical order passed by the Scrutiny Committee, invalidating tribe certificate issued in favour real brother of the petitioner No.1 by name Pranav Rajendra Chavan was directed to be quashed. Reference also needs to be made to the judgment of this Court in the matter of Rajendra Bapurao Chavan Vs. State of Maharashtra (Writ Petition No. 1411/2016 decided on 4th February, 2016). In both those decisions, one of us (R. M. Borde, J) was a party.

5. This Court, in the matter of Rajendra Bapurao Chavan in Writ Petition No. 1411/2016, while quashing the order passed by the Scrutiny Committee invalidating Tribe Certificate issued in favour of the petitioner therein, has directed issuance of validation certificate. Since the real brother and father of the petitioner No.1 and real brother of Petitioner No.2 have been directed to issue tribe validation certificates, there is no reason, as to why such direction shall not be issued in favour of the present petitioners.

6. This Court, while dealing with the cases of Pranav and Rajendra, has dealt with documentary evidence placed on record, so also the alleged adverse entries in the record pointed out on behalf of the State. Reasoned orders passed by this Court in the aforesaid writ petitions i.e. Writ Petition No.1134/2010 and Writ Petition No. 1411/2016 have not been upset by the Supreme Court and those orders have attained finality.

7. There is abundant evidence placed on record to substantiate the claims of the petitioners. Apart from the aforesaid two judgments on which reliance is placed, it would also be necessary to refer the judgment in the matter of **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & others** reported in **2010(6) Mh.L.J. 401**, wherein the Division Bench of this Court has adopted a view that in the event of issuance of caste validation certificate in favour of a blood relation of the certificate holder, there is no logic in refusing to issue validation certificate in favour of another blood relation.

8. The Scrutiny Committee, acceding to us, has

committed gross illegality in refusing to take into account the decisions rendered by this Court in Writ Petition No.1134/2010 and Writ Petition No. 1411/2016- in the matter of father and real brother of the petitioners.

9. In view of the above, the order impugned in this petition, passed by Respondent No.2 Scrutiny committee, refusing to issue validation certificates in favour of the petitioners is quashed and set aside. The Scrutiny Committee is directed to issue validation certificates in favour of the petitioners, as expeditiously as possible, preferably within a period of eight weeks from today. Rule made absolute accordingly.

10. In the facts and circumstances of the case, there shall be no order as to costs.

(K. L. WADANE, J.)

(R. M. BORDE, J.)

JPC