

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9970 OF 2018

Atharv S/o Prakash Kaypalwad,
Age: 18 years, Occu: Student,
R/o At Post Bhishi, Tq. Kinwat
Dist. Nanded

Petitioner

Versus

- 1 The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai - 32
- 2 Higher & Technical Education Department,
Through its Secretary,
Mantralaya, Mumbai - 32
- 3 The Director of Technical Education,
Maharashtra State,
3, Mahapalika Marg, Opp. Metro Cinema,
Mumbai
- 4 Scheduled Tribe Certificate Verification Committee,
Aurangabad District, Aurangabad
through Its Joint Secretary,
Cidco, Aurangabad
- 5 The Principal,
Walchand College of Engineering,
Sangli, Dist. Sangli

Respondents

Mr. C.R. Thorat, advocate for petitioner

Mr. P.S. Patil, Assistant Govt. Pleader for Respondents

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CORAM : **R.M. BORDE AND
MANGESH S. PATIL, JJ**

Date : 30th AUGUST, 2018

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken-up for final decision at admission stage.

3 The petitioner is objecting to the order passed by the Scrutiny Committee directing invalidation of the tribe certificate issued to him by the competent authority. The petitioner claims to belong to *Mannerwarlu*, scheduled tribe and is in receipt of tribe certificate issued by the competent authority. The tribe certificate issued to petitioner has been referred to the scrutiny committee for verification since the petitioner is desirous of securing admission to professional course. The tribe certificate issued to the petitioner has been invalidated and confiscated by the scrutiny committee. The petitioner claims his entitlement on the basis of tribe certificate issued to his blood relations Viz.

Limbaji who is stated to be his cousin brother and Supriya his second cousin sister. The cousin brother of the petitioner Limbaji has been granted validation certificate on the basis of certificate issued to Supriya, daughter of Tanhaji.

4 We have verified the original record in respect of issuance of validation certificate to Supriya. The father of the validity holder Supriya by name Tanhaji has submitted genealogical tree of the family which is similar to the genealogical tree furnished by the petitioner. There does not appear to be any dispute as regards the relationship of petitioner with the validity holder. The objections raised by the scrutiny committee in respect of validation certificate issued to the near blood relations of the petitioner, prima facie, do not appear to be sustainable. We are of the view that the petitioner has made out a case for issuance of tribe validation certificate. The record relied upon by the scrutiny committee for directing invalidation of the tribe certificate, apparently does not have any relation with the case of the petitioner. It has not been demonstrated as to how the persons whose names are referred in paragraph No.2 of the impugned order, are related to the petitioner. The scrutiny committee has also directed to reopen the cases in respect of the blood relations of the petitioner, who have received

validation certificates.

5 We are of the view that the scrutiny committee may continue with the proceedings in respect of blood relations of the petitioner and may take appropriate decision in the matter and the limited interference caused in the instant matter shall not be construed as impediment in proceeding with the enquiry in such matters. However, the petitioner needs to be issued validation certificate, subject to condition that in the event, the scrutiny committee directs invalidation of the tribe certificates issued to the blood relations of the petitioner, referred to in the order, the directions issued in the instant matter shall be deemed to have been quashed. Depending upon the outcome of the inquiry initiated against the blood relations of the petitioner, the petitioner needs to be issued validation certificate and it is directed accordingly. The order passed by the Scrutiny Committee directing invalidation of the tribe certificate issued to the petitioner is quashed and set aside. The petitioner shall be issued validation certificate subject to condition that in the event of quashment of the validation certificates issued to the blood relations of the petitioner in pursuance to the enquiry proceedings initiated against them, the validation certificate issued to the petitioner shall be deemed to have been

withdrawn.

6 Rule is accordingly made absolute.

7 There shall be no order as to costs.

(MANGESH S. PATIL, J)

(R.M. BORDE, J)

vbd