

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

WRIT PETITION NO. 10028 OF 2018

Santosh S/o Shivaji Tondewad,
Age: 19 years, Occ: Education,
R/o Kolha, Tq. Mudkhed,
Dist. Nanded.

... **Petitioner**

Versus

1. The State of Maharashtra
Through its Secretary,
Higher & Technical Education Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad,
Through its Member Secretary,
Aurangabad.
3. The Director,
Directorate of Technical Education,
Maharashtra State, Mumbai.;
4. The Commissioner & Competent Authority,
State Common Entrance Test Cell,
Government of Maharashtra,
8th floor, New Excelsior Building, Fort, Mumbai.
5. The Principal,
Government College of Engineering,
Amravati, Dist. Amravati.

... **Respondents**

Mr. Sunil M. Vibhute, Advocate for Petitioner.
Mr. P.S. Patil, AGP for Respondent Nos.1 to 3.
Mr. S.G. Karlekar, Advocate for Respondent No.4

**CORAM : R.M. BORDE &
MANGESH S. PATIL, JJ.**
DATE : 31.08.2018

ORAL JUDGMENT:

Heard.

2. Rule.

3. With the consent of the parties the petition is taken up for final disposal at admission stage.

4. The petitioner claims to belong to 'Mannervarlu' Scheduled Tribe and is in receipt of the tribe certificate issued by the competent authority. The proposal for validation of the tribe certificate was referred to the scrutiny committee since the petitioner is desirous of securing admission to professional course and has already been selected. The scrutiny committee has turned down the claim of the petitioner on the ground that there are interpolation made by some of the members belonging to the community in their school record. The petitioner has placed reliance for substantiating his claim on the tribe validation certificates issued to his real sister by name Nagmani, real brother by name Satyajit as well as certificates issued in favour of real uncle Ramji Mahajan Tondewad and Vishwanath Mahajan Tondewad, so also the first cousin brother of the petitioner by name Abhijit Sheshrao Tondewad has also been issued validation certificate. The scrutiny committee

has not recorded any finding as regards fabrication or fraud having been committed by the blood relations of the petitioner who have been issued validation certificates. However the reasons assigned for refusing to place reliance on the validation certificates issued to the blood relations is that, some of the members of the community in their school record have made certain fabrication. In view of the judgment of the Division Bench of this Court in the matter of **Apoorva Vinay Nichale V/s. Divisional Caste Certificate Scrutiny Committee No.1 and Others, reported in 2010(6) Mh.L.J. 401**, the evidence in the form of validity certificates issued to blood relations shall form the basis for issuance of validation certificate to the petitioner unless it is demonstrated that such validation certificates have been obtained by practising fraud, by those blood relations.

5. On perusal of the judgment, it does not appear that blood relations of the petitioner while securing validation certificates have practised any fraud. The scrutiny committee it appears has committed grave illegality by invalidating the tribe claim of the petitioner. It is informed that the scrutiny committee has issued notices to the blood relations of the petitioner calling upon them to show cause as to why the validation certificates issued to them shall not be cancelled.

6. In the circumstances, the decision rendered by the scrutiny

committee refusing to issue validation certificate to the petitioner is quashed and set aside. The petitioner shall have to be issued the validation certificate subject to condition that in the event of cancellation of the tribe validation certificates issued to the blood relations of the petitioner appropriate action in respect of validation certificate issued to the petitioner shall be taken.

7. In view of the above, the writ petition is allowed in aforesaid terms. The scrutiny committee is directed to issue validation certificate to the petitioner conditional upon the outcome of inquiry proceedings initiated against his blood relations.

8. Rule made absolute to the extent as specified above. There shall be no order as to the costs.

[MANGESH S. PATIL, J.]

[R.M. BORDE, J.]