

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

WRIT PETITION NO. 10030 OF 2018

1. Bhagwan S/o Shivaji Tondewad,
Age: 22 years, Occ: Student,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

2. Nikita D/o Anil Waykhinde,
Age: 19 years, Occ: Student,
R/o Kopargaon, Tq. Kopargaon,
Dist. Ahmednagar.

... **Petitioners**

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.

2. The Scheduled Tribe Certificate
Scrutiny Committee, Nashik,
Through its Deputy Director. (R),

3. The Principal,
Pravara Rural Educations Society's,
Sir Visvesvarya Institute of Technology,
Chincholi, Dist. Nashik.

4. The Principal,
Sanjivani College of Pharmaceutical
Education & Research at Sahajanandnagar,
Post. Shingnapur, Tq. Kopargaon,
Dist. Ahmednagar.

... **Respondents**

Mr. Pratap V. Jadhavar, Advocate for the Petitioners.
Mr. P.S. Patil, AGP for Respondent Nos.1 and 2.

**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 petitioners claim to belong to Koli Mahadev Scheduled Tribe and are desirous of securing admission to professional courses. The tribe certificate issued to the petitioners by the competent authority has been referred to the scrutiny committee however the scrutiny committee by the order dated 29.08.2018 has turned down the claim of the petitioners and directed cancellation of the tribe certificates issued to the petitioners. The petitioners in order to substantiate their claim have placed reliance on the validation certificates issued to their father by the scrutiny committee in observance of the procedure prescribed in that behalf on 05.12.2009. The petitioners also place reliance on the validation certificates issued to their real cousin uncle by name Kiran Karbhari Waykhinde, Satish Gangadhar Waykhinde and Yogesh Waykhinde and his cousin aunt by name Radhabai Gangadhar Waykhinde. The scrutiny committee has discarded the evidence in

the form of validation certificates issued to the blood relations relying upon certain contradictory entries appearing in the record of certain other individuals who are stated to belong to the same tribe. It has not been demonstrated that such of those members are in any way related to the petitioners or the validity holders.

5. So far as the tribe validation certificates issued to the father of the petitioners is concerned the same has not at all been commented upon by the scrutiny committee and it has not been demonstrated as to why the same shall be discarded. 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 validation certificates issued to the blood relations of the petitioners shall form the basis for issuance of tribe validation certificate to the petitioner unless it is demonstrated that the validation certificates by the blood relations have been secured by practising fraud or by relying upon the fabricated documents. It has not been demonstrated that the father of the petitioners by name Anil Popatrao Waykhinde has relied upon any forged or fabricated record or has committed any illegality. It is informed that the scrutiny committee has directed reopening of the cases of the blood relations of the petitioners who have been issued validation certificates and notices have also been issued.

6. In the circumstances, the petitioners shall have to be granted validation certificates subject to the decisions in respect of the inquiry proceedings initiated against their blood relations by scrutiny committee for cancellation of those certificates. The writ petition is thus allowed. The decision rendered by the scrutiny committee refusing to issue validation certificates to the petitioners is quashed and set aside and the scrutiny committee is directed to issue validation certificates to the petitioners forthwith. The validation certificates that would be issued to the petitioners would be subject to the outcome of the inquiry proceedings initiated against their blood relations in pursuance to the notices issued to them calling upon them to show cause as to why the validation certificates issued to such of those blood relations shall not be cancelled.

7. Rule is 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.]