

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13123 OF 2022**

Shailesh s/o. Janardhan Chintal
Under Guardianship of Natural Guardian and
Father – Janardhan Krishna ChintalPetitioner

Versus

The State of Maharashtra and ors.Respondents

Mr. A. B. Kharosekar along with Mr. Deepak Pote along Mr.
Omgashad B. Boinwad, Advocate for the Petitioner.
Mrs. M. S. Srivastav, AGP for Respondent - State
Mr. Sameer Khedekar, Advocate for the Respondent No.3.

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATE : 11th NOVEMBER, 2022.

P.C. :

1. The tribe claim of the petitioner as belonging to “Koli Mahadev” Scheduled Tribe is invalidated.
2. Learned counsel for the petitioner submits that validity certificates of “Koli Mahadev” Scheduled Tribe are issued to the father and real uncle of the petitioner after the detail vigilance enquiry.
3. The petitioner has secured admission to the 1st Year B.Tech(Computer Science) at respondent No.5 – University through

MHT-CET-2022. The learned counsel for the petitioner submits that respondent No.2- scrutiny committee has invalidated the tribe claim of the petitioner on 4th November, 2022 without considering the documents and evidence on record and without considering the fact that caste validity certificates of “Koli Mahadav” Scheduled Tribe are issued to the father and real uncle of the petitioner.

5. Learned counsel for the petitioner relies upon the judgment in the case of **Apoorva Vinay Nichale versus Divisional Caste Certificate Scrutiny Committee No.1 and others reported in 2010 (6) Mh.L.J.401.**

6. Learned AGP for respondents submits that the petitioner does not belong to the area where the persons of “Koli Mahadev” community reside. The order passed by the scrutiny committee is legal and valid.

7. We have considered the submissions canvassed by learned counsel for the parties. Admittedly, the caste validity certificates of “Koli Mahadev” are issued to the father and real uncle of the petitioner. The Division Bench of this Court in the case of **Apoorva Vinay Nichale (supra)** has held that if the committee

has validated the tribe claim of close relative of the candidate, then, validation of tribe caste certificate cannot be denied to the candidate unless of course a case of fraud, misrepresentation of facts or suppression of facts is made out. In the present case, caste validity certificate is given to the father and real uncle of the petitioner. Majority of the documents forming part of the record in the present matter were the subject matter of consideration before the committee while issuing validity to the father of the petitioner.

8. In view of above, we pass the following order :

1. The impugned judgment is set-aside. The committee shall issue Validity Certificate to the petitioner of Koli Mahadev Scheduled Tribe immediately.
2. The said Validity Certificate would be subject to the decision that would be taken by the committee in the proceedings re-opened of the validity holders relied by the petitioner.

9. The writ petition is disposed of. No costs.

(S. G. DIGE, J.)

(S. V. GANGAPURWALA, J.)