

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

WRIT PETITION NO.1338 OF 2022

Yash s/o Ramesh Koli, ... **PETITIONER**

VERSUS

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai-32
through its Secretary.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
office at Aurangabad.
through its Member Secretary.
3. The Commissioner & Competent Authority,
State Common Entrance Test cell,
Maharashtra State, 8th floor new Excelsior
Building, Mumbai - 400001. (M.S.)
4. Shivaji University Kolhapur
Tq. Dist. Kolhapur.
Through its Registrar
5. Walchand College of Engineering, Sangli,
Vishrambag, Sangli-416415(M.S.)India
through its Principal ... **RESPONDENTS**

AND

WRIT PETITION NO.1352 OF 2022

Vaishanvi d/o Devendra Koli ... **PETITIONER**

VERSUS

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai-32
through its Secretary.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
office at Aurangabad.
through its Member Secretary.
3. The Commissioner & Competent Authority,
State Common Entrance Test cell,
Maharashtra State, 8th floor new Excelsior
Building, Mumbai - 400001. (M.S.) ... **RESPONDENTS**

...

Advocate for Petitioner/s : Mr. Vivek U. Jadhav
Addl. G.P. for respondent/State : Mr. P.S. Patil

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**CORAM : MANGESH S. PATIL &
SHAILESH P BRAHME, J.J.**

DATE : 31.07.2023

ORDER (MANGESH S. PATIL, J.) :

By way of these separate writ petitions the petitioners who are first degree cousins *inter se* are challenging the orders passed by the respondent – Scrutiny Committee in proceedings under Section 6 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (hereinafter the Act), thereby, confiscating and cancelling their certificates of “Koli Mahadev” scheduled tribe. Apart from the fact that they are related *inter se* from the paternal side and though their proposals have been decided by the Committee by the impugned orders separately those have been decided on the same day and for the same reasons. Since the material considered by the Committee including the validities being relied upon by them being the same, we are disposing of these petitions simultaneously.

2. We have heard both the sides and perused the papers. Admittedly, fathers of both the petitioners namely Ramesh Prabhakar Koli and Devendra Prabhakar Koli have been granted validity certificates by the then scrutiny committee on 15.04.2011 and 26.08.2011 respectively.

3. The committee has refused to consider these validities on the

ground that the school record of validity holders' father by name Prabhakar Lagmanna Koli of Zilla Parishad (Primary) School Kasgi was doubtful as was revealed in the vigilance inquiry and that the validity certificates were granted by a Committee headed by one Mr. V.S. Patil. It was noticed by the Government that there were rampant irregularities committed by that committee and decision was taken to reconsider various decision rendered by that committee.

4. Pertinently, the Committee has observed that the petitioners' fathers have obtained the validity certificate by resorting to fraud and representation and it intends to undertake a reverification.

5. Since the Committee has now decided to undertake a reverification of the validity holders certificates, the circumstances which according to the Committee constitute fraud, in our considered view can be taken care of by the Committee in those matters to be reopened. Suffice for the purpose to observe that since the petitioners' fathers who are the validity holders are not before us, any comment made by us in this order touching that aspect of alleged fraud could have a bearing on the inquiry to be undertaken by the Committee and would cause a serious prejudice to them. We are, therefore, consciously avoiding to undertake that scrutiny.

6. Following the decision in the matter of **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.; 2010 (6) Mh.L.J. 401 and Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.; 2023 SCC Online SC 326**, when

there is no dispute about the petitioners being the issues of those two validities holders who are real brothers *inter se*, the petitioners deserve to be extended the benefit of the validity, obviously, subject to the decision to be taken by the Committee in the matters which it intends to reopen.

7. Both the writ petitions are partly allowed. The impugned orders are quashed and set aside. The committee shall immediately issue the petitioners caste validity certificates of “Koli Mahadev” scheduled tribe, which shall be subject to the decision to be taken by the committee in the reopened matters.

8. The petitioners shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)