

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

WRIT PETITION NO. 3080 OF 2022

Mayur s/o Vyankat Shanime

...Petitioner

Versus

- 1) The State of Maharashtra
Medical Education and Drugs Department, Mumbai.
- 2) The Scheduled Tribe Caste Certificate
Verification Committee, Kinwat,
Aurangabad. Through its Dy. Director (R).
- 3) The Commissioner & Competent Authority,
Commissionerate of Common Entrance Test Cell,
Government of Maharashtra,
Fort, Mumbai.

...Respondents

...

Advocate for Petitioners : Mr. S. M. Vibhute
AGP for Respondents/State : Mr. S. K. Tambe

...

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

DATE : 03 AUGUST 2023

PER COURT :

1. Heard both the sides. Considering the urgency expressed by the petitioner, the matter is taken up for final hearing at the admission stage.

2. The petitioner is taking exception to the judgment and order dated 15.12.2021 passed by the respondent no.2/Scrutiny Committee, invalidating his tribe claim of 'Koli Mahadev scheduled tribe' and confiscating the certificate. The petitioner relies upon the judgment and

order passed by the High Court in Writ Petition No.655/2021 in the matter of Akshay Avinash Shanime Vs. State of Maharashtra. He is also relying upon the validity certificates issued to Kulbhushan and Vijaykumar. Besides that the relevant school record is also pressed into service to fortify the claim.

3. The learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee has rightly rejected the tribe claim considering the contrary entries of the school record. The Scrutiny Committee has rightly recorded findings for discarding the validity certificate and has rightly invoked the affinity test. Accordingly, he prays to dismiss the petition.

4. We have considered rival submissions of the parties. The learned AGP has also shown us the original file of Mayur to demonstrate the infirmities in the genealogy and to point out the contrary entries. The genealogy which is not disputed by the respondent is at page no.31. It is noticed that there are three validity holders to support the petitioners who are blood relatives namely Kulbhushan, Akshay and Vijaykumar. Vijaykumar happens to be the first validity holder. A reasoned order was passed which is placed on record for issuing validity certificate to Vijaykumar. There is nothing on the record to suggest that the validity certificate issued to Vijaykumar was contrary to the due procedure of law. We hold that the said validity certificate is reliable.

5. It is further noticed that Akshay, another validity holder was

issued validity certificate by High Court vide order dated 15.01.2021 passed in Writ Petition No.655/2021. The said judgment and order is on record which is at page no.51. We have perused the said judgment. He was directed to be issued validity certificate on a condition. We also proposed to adopt the same course.

6. The learned AGP has informed that the Scrutiny Committee has proposed to undertake re-verification. The contrary entries and the discrepancy in the genealogy which is tried to be relied upon by learned AGP cannot be considered at this juncture. The Committee may take into consideration all the objections during the course of re-verification. The petitioner is entitled to receive a validity certificate subject to condition.

7. We find that the impugned judgment and order is perverse and arbitrary. The same is quashed and set aside. The Scrutiny Committee is directed to issue tribe validity certificate of '*Koli Mahadev*' scheduled tribe to the petitioner forthwith which shall be subject to the outcome of the re-verification proposed by the Scrutiny Committee.

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

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]