

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

WRIT PETITION NO. 1239 OF 2022

1. SHRINIVAS DHONDIBA WAGHMODE
2. PRADNYA DHONDIBA WAGHMODE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Jadhavar Pratap V.
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Sangale
Advocate for Respondent No. 4 : Mr. A.P. Bhandari
...

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

DATED : 30 AUGUST, 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. Heard both the sides finally at the admission stage.
2. The petitioners are assailing the judgment and order dated 10.01.2022, passed by the Scrutiny Committee, invalidating their tribe certificates for 'Koli Mahadev' schedule tribe. The petitioners are relying upon the validity certificates issued to nine members of their family including father and real uncle. According to them, unless the validity certificates are revoked, they cannot be denied the same social status.

3. Learned AGP has opposed claim of the petitioners. The Scrutiny Committee is justified in rejecting the caste claim because manipulation of record was noticed in case of Sambhu Bana Waghmode, Balu Maruti Waghmode and father of the petitioners. The validity certificates are rightly discarded by the Scrutiny Committee because they are procured by suppression of material facts and on the basis of tampered record.

4. Learned AGP has produced on record original files of the petitioners. We are shown photocopies of the school record of Sambhu Bana and Dhondiba father of the petitioners. It is submitted that the revenue record of Banu Narsu which is sought to be produced to support the petitioner is forged one.

5. We have considered the submissions of parties. The petitioners are relying upon the validity certificate issued to their father. There was vigilance enquiry in the matter of father. There is no dispute that after considering the report petitioners' father was issued with validity certificate. We find that the validity certificate of father was issued after following the due procedure of law.

6. The manipulation of the school record as contended by

the learned AGP was taken into account on the earlier occasion by the Scrutiny Committee. Thereafter, their father was issued with validity certificate. Unless it is revoked, the petitioners cannot be denied the same benefits. Another blood relative of the petitioner Vyankat Bankat Waghmode was also issued validity certificate. We find that the petitioners are also entitled to validity certificate conditionally.

7. The Scrutiny Committee erred in rejecting caste claim of the petitioners. We, therefore, pass the following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order is quashed and set aside.
- iii. The Scrutiny Committee shall issue tribe validity certificate to the petitioners, on condition that the same shall be subject to the decision taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
- iv. The certificates of validity shall be issued in the

prescribed format without incorporating other conditions/additions.

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

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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