

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

WRIT PETITION NO. 1722 OF 2022

Omkar s/o Shamrao Jatale,
Age : 18 years, Occu. : Education,
R/o Vasarni Post Cidco,
Tq. & Dist. Nanded.

.. Petitioner

Versus

1. State Common Entrance Test Cell,
Maharashtra, Mumbai,
8th Floor, New Excelsior,
A. K. Nayak Marg, Fort, Mumbai
through its Commissioner and
Competent Authority.
2. Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Region,
Aurangabad,
through its Member Secretary.
3. Scheduled Tribe Certificate Scrutiny
Committee, Kinwat at Aurangabad,
through its Member Secretary. .. Respondents

Shri Sagar S. Phatale, Advocate the Petitioner.
Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 14 JULY 2023.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :

. Heard learned counsel for parties and the matter is being
disposed of finally at the admission stage.

2. The petitioner is challenging judgment and order dated 14.12.2021 passed by the Scrutiny Committee invalidating claim of the petitioner as belonging to 'Koli Mahadev' (Scheduled Tribe).

3. In support of his claim the petitioner has placed on record validity certificates issued to his cousins Dhiraj, Shubham and Sidhant. He has further placed on record the genealogy, report of vigilance enquiry, affidavit, order passed in the case of Madhav Jatale in Writ Petition No. 7417 of 2007 and the relevant entries of school record.

4. The Scrutiny Committee has invalidated the claim of the petitioner because the record of 1964 to 1989 was produced. There was tampering in case of Ramji and Kondiba. The caste claims of the relatives namely Pundlik and Digambar were invalidated previously. It was also recorded that the validity certificates were procured by suppressing material information.

5. The learned Assistant Government Pleader would submit that the record of the relatives of the petitioner shows caste as Koli. There is tampering of record. As the caste certificates of two relatives namely Pundalik and Digambar were invalidated, it is not permissible to issue validity to the petitioner.

6. It transpires from the record that one of the cousins of the

petitioner, namely Dhiraj was issued caste validity certificate in pursuance of orders in Writ Petition No. 1686 of 2021. In that matter the orders passed in case of Siddhant and Shubham were considered. We are inclined to accept the validity certificates in view of the judgment of the Supreme Court in the matter of **Maharashtra Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others** reported in **2023 (2) Mh. L. J. 785.**

7. It is informed that the Scrutiny Committee has decided to reopen the matters of the validity holders relied upon by the petitioner. The submissions of the learned A. G. P. regarding tampering of the record, deceitful means adopted to secure the validity certificates cannot be accepted at this stage. The Scrutiny Committee may have right to undertake the proceedings against the validity holders. Invalidation of the caste claims of Pundlik and Digambar cannot be an impediment. It is not disclosed on what grounds the certificates were invalidated.

8. The scrutiny committee committed patent illegality in rejecting caste claim. We are of the considered opinion that petition deserves to be allowed. Hence we pass following order.

ORDER

A. The writ petition is partly allowed.

B. The judgment and order dated 14.12.2021 passed by the respondent/Scrutiny Committee is quashed and set aside.

B. The respondent/Scrutiny Committee shall issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' (Scheduled Tribe) within a period of two (02) weeks from today on following conditions :

- (i) The validity certificate shall be subject to the outcome of the scrutiny undertaken by the committee for re-verification.
- (ii) The petitioner shall not claim equity and shall co-operate with the enquiry of re-verification.

C. The writ petition is disposed of. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/July 23