

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

WRIT PETITION NO. 1703 OF 2022

Yogini D/o. Ramesh Jatewad,
Age : 18 years, Occu. : Education
R/o Barbada, Tq. Naigaon,
Dist. Nanded.

.. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
 2. The Scheduled Tribe Caste Certificate
Verification Committee Kinwat,
Through its Dy. Director (R),
At Aurangabad.
 3. The Commissioner & Competent Authority,
Commissionerate of Common Entrance Test Cell,
Government of Maharashtra,
8th Floor, New Excelsior Building,
A. K. Naik Marg, Fort,
Mumbai.
- .. Respondents

**WITH
WRIT PETITION NO. 1723 OF 2022**

Shradha D/o. Dilip Jetewad,
Age: 20 years, Occu: Education,
R/o. Barbada, Tq. Naigaon,
Dist. Nanded.

.. Petitioners

Versus

1. The State of Maharashtra,
Through Secretary,

Tribal Development Department,
Mantralaya, Mumbai.

2. The Scheduled Tribe Caste Certificate
Verification Committee Kinwat,
Through its Dy. Director (R),
At Aurangabad.
3. The Commissioner & Competent Authority,
Commissionerate of Common Entrance Test Cell,
Government of Maharashtra,
8th Floor, New Excelsior Building,
A. K. Naik Marg, Fort,
Mumbai. .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner in both matters.

Shri A. S. Shinde, A.G.P. for the Respondent Nos. 1 and 2 in both matters.

Shri M. D. Narwadkar, Advocate for Respondent No. 3 in both matters.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 19 JULY 2023.**

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

. Heard both sides. Considering urgency, the matters are decided finally at the stage of admission.

2. In both these petitions common judgment and order dated 28.01.2022 passed by the respondent No. 2/Scrutiny Committee invalidating caste claims of the petitioners as belonging to 'Koli Mahadev' (Scheduled Tribe) is under challenge.

3. The petitioners are related *inter-se*. There is common

record for assessment of their claims. Hence both the petitions are being decided by this common order. For the sake of convenience we will be referring to papers from Writ Petition No. 1703 of 2022 in the matter of Yogini Ramesh Jetewad.

4. The petitioners rely upon the validity certificates of Saptphula, Bhagwat, Madhav, Ramesh, Deelip and Kamalkishor, which are enlisted at page No. 61. Ramesh is the father of petitioner Yogini. In both the petitions the genealogy is produced which is not disputed. Further, reliance is placed on the school record of the relatives, affidavit, vigilance report and the revenue record.

5. The learned Assistant Government Pleader supports the impugned judgment and order. According to him the scrutiny committee is justified in rejecting the caste claims of the petitioners considering contrary entries found in the school record of the relatives of the petitioners shown at page No. 54. There was manipulation on the school record of the relatives Ananda, Gunaji and Kerba. The revenue record also does not support the case of the petitioners. The validity certificates of the relatives are rightly discarded because those were obtained by suppressing true facts.

6. The learned A. G. P. informs that the Scrutiny Committee has decided to reopen the matters of the validity holders. Show cause notices are already issued.

7. We have considered the rival submissions of the parties. We have also perused the original files of the petitioners.

8. Madhav Ananda Jetewad is informed to be the first validity holder. Ramesh, father of the petitioner Yogini was also issued with the validity certificate. There are in all six validity holders. The adverse entries cited by the learned A. G. P. are already considered while verifying the caste status of the validity holders. The validity certificates were issued after following due procedure of law.

9. We do not find any reason to disbelieve the validity certificates. We are following the principles laid down by the Supreme Court in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others** reported in **2023(2) Mh.L.J. 785**.

10. The submissions of the learned A. G. P. that caste claim of Gunaji Narayan Jetewad was invalidated, the entries of close relatives show caste Koli and there was manipulation in the record can be decided by the Scrutiny Committee in the matters of reverification of the validity holders. On the ground of parity, the petitioners are entitled to the validity certificates.

11. We hold that the scrutiny committee has committed perversity and patent illegality and interference is called for in the impugned judgment and order.

12. In view of the above, the writ petitions are disposed of by passing following order.

ORDER

A. The writ petitions are partly allowed.

B. The impugned common judgment and order dated 28.01.2022 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

C. The respondent No. 2/Scrutiny Committee shall issue validity certificates of 'Koli Mahadev' (Scheduled Tribe) to the petitioners within a period of two (02) weeks from today on following conditions.

a) That the validity certificates shall be subject to outcome of reverification of the validity certificates undertaken by the Scrutiny Committee.

b) The petitioners shall co-operate with the Scrutiny Committee in the matter of reverification by the committee.

c) The Scrutiny Committee shall conclude the proceedings of reverification of the validity certificates of the validity holders as early as possible and in any case within a period of six (06) months from today.

e) The petitioners shall not claim any equities.

D. 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