

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

WRIT PETITION NO. 4221 OF 2021

Sarthak S/o Khanderao Mandewad,
Age : 26 years, Occu. : Student,
R/o At Barhali, Tq. Mukhed,
Dist. Nanded.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education Department,
Mantralaya, Mumbai – 32.
2. The Director of Medical Education
St. John Hospital Campus,
Mumbai – 32.
3. Maharashtra University of Health
Science, through its Registrar,
Dindori Road, Mharsul,
Nashik Dist. Nashik.
4. Government Ayurved College
Nanded, through its Dean,
Tq. & Dist. Nanded.
5. Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High
School, Town Centre, CIDCO,
Aurangabad,
Dist. Aurangabad.

.. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1, 2, 4 and 5.
Shri S. B. Bhosale, Advocate for the Respondent No. 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 09 AUGUST 2023.**

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

. Heard learned counsel for the respective parties. Matter is taken up for final adjudication at the admission stage.

2. This writ petition is directed against the judgment and order dated 15.01.2021 passed by the respondent No. 5/Scrutiny Committee invalidating the caste claim of the petitioner as belonging to “Koli Mahadev” (Scheduled Tribe).

3. The petitioner is relying on validity certificate of his brother Anil Khanderao Mandewad. He is further relying upon school record of his blood relatives, vigilance report in the matter of Anil and the genealogy.

4. The learned Assistant Government Pleader submits that the Scrutiny Committee has rightly rejected the caste claim of the petitioner. The school record was incompatible with the claim of the petitioner. It would indicate the caste Koli, which is non tribal. The vigilance officer noticed manipulation in the school record of Arun, Meenatai and Renuka, who are close relatives of the petitioner. The learned A. G. P. has placed on record original file of the petitioner as well as Madhav Tulshiram Mandewad.

5. There was vigilance report in the matter of real brother of the petitioner Anil, which is placed on record. Anil was issued with the validity certificate by reasoned order. The relevant record was considered by the Scrutiny Committee. We hold that validity certificate of Anil was issued after following due procedure of law. It would enure to the benefit of the petitioner.

6. We have also noticed that there are other validity holders in the family namely Madhav Tulshiram Mandewad, Balaji Pandurang Mandewad and Omprakash Gyanoba Mandewad. We have seen original file of Madhav Tulshiram Mandewad. There was vigilance enquiry in his matter. He was issued with the validity certificate after reasoned order. We find that his certificate is also reliable one.

7. The learned A. G. P. has informed that the Scrutiny Committee has proposed reverification. The scrutiny Committee can look into the objections raised by the learned A. G. P. in respect of the disputes in the genealogy, suppression of material facts and the manipulation of the record. Unless the validity certificates are revoked, the petitioner cannot be deprived of the validity certificate. In that view of the matter, the impugned judgment and order is unsustainable.

8. For the reasons recorded above, we pass following order.

9. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent – committee shall

immediately issue tribe validity certificate to the petitioner as belonging to '*Koli Mahadev*' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

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

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23