

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

**WRIT PETITION NO. 2029 OF 2022**

Shrimant S/o Bibhishan Gandhale  
Age: 27 years, Occu. Education,  
R/o Choramba, Tq. Dharur,  
Dist. Beed.

.. Petitioner

**Versus**

1. The State of Maharashtra,  
Through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai.
  2. The Scheduled Tribe Caste Certificate  
Verification Committee, Aurangabad  
Through its Dy. Director (R),  
At Aurangabad.
  3. The Deputy Registrar  
Dr. Babasaheb Ambedkar Marathwada  
University, Aurangabad,  
Dist. Aurangabad.
- .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.  
Shri S. K. Tambe, A.G.P. for the Respondent Nos. 1 and 2.

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

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

. Heard both the sides finally at the admission stage  
considering the urgency expressed by the petitioner.

2. The petitioner is taking exception to the judgment and order dated 01.02.2022 passed by the respondent No. 2/Scrutiny Committee invalidating his tribe claim for being 'Koli Mahadev' (Scheduled Tribe).

3. The petitioner is relying upon the validity certificate issued to Radhakishan Shamu Gandhale, who happens to be his cousin uncle. The genealogy is placed on record at page 20.

3. The learned Assistant Government Pleader supports the impugned judgment and order. According to him the scrutiny committee has properly appreciated the material on record in respect of contrary entries and manipulation of school record noticed by the vigilance cell. The validity certificates are not reliable and rightly discarded by the Scrutiny Committee. He would submit that the scrutiny committee has taken reasonable and proper view in rejecting the caste claim.

4. The petitioner during the course of hearing has placed on record the common order dated 16.02.2022 passed by this Court in Writ Petition No. 1197 of 2022 and Civil Application No. 971 of 2022. The cousin uncle of the petitioner Radhakisan Shamu Gandhale was issued with the validity certificate by the orders of the High Court in Writ Petition No. 1197 of 2022. This Court has already considered the self same record and allowed the caste claim. We find that the validity certificate of Radhakian Gandhale is reliable. The same should enure to the benefit of the petitioner. It is relevant to notice that old entry of 1959 is in the

school record of Uddhav Ganpat Gandhale. It has been taken into account by the High Court. The scrutiny committee has committed patent illegality in discarding the caste claim. The petitioner has made out a case for issuance of conditional validity.

5. The learned A. G. P. has informed that the scrutiny committee has proposed to undertake the reverification of the validity certificates of the relatives of the petitioner. In that view of the matter the petitioner is entitled to receive conditional validity. The impugned judgment and order is unsustainable and liable to be quashed and set aside.

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

7. 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.

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

[ SHAILESH P. BRAHME, J.]

[ MANGESH S. PATIL, J.]