

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4636 OF 2023

Mr. Kundan S/o Raju Koli

.. Petitioner

Versus

1] The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.

2] The Scheduled Tribes Certificate Scrutiny
Committee, Dhule Division, Dhule,
through its Member – Secretary

3] State Common Entrance Test Cell,
Maharashtra State, 8th Floor,
New Excelsior Building,
A.K. Nayak Marg, Fort,
Mumbai 400 001

.. Respondents

...

Advocate for petitioner : Mr. S.R. Barlinge
AGP for the respondent – State : Mr. A.A. Jagatkar
Advocate for respondent no. 2 : Mr. S.G. Karlekar

...

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

DATE : 4 SEPTEMBER 2023

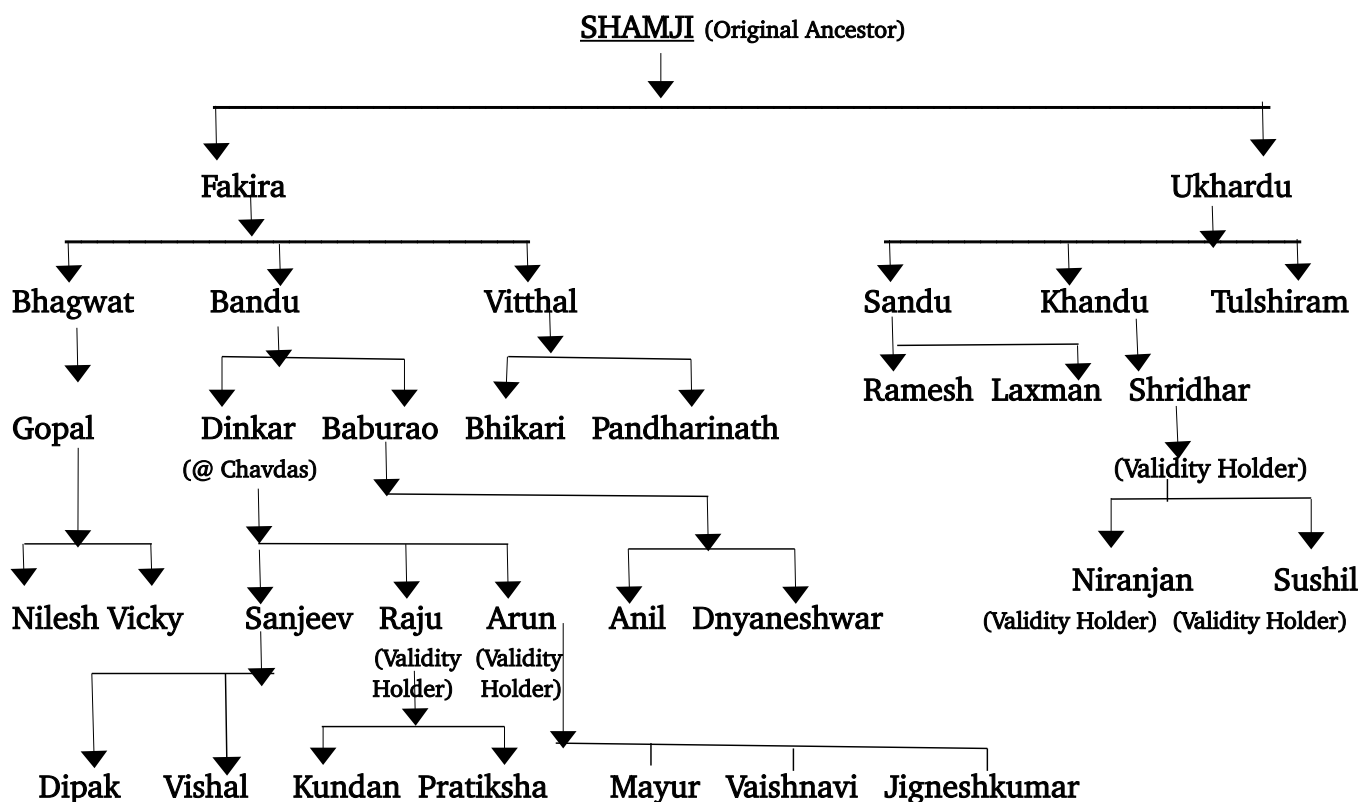
ORDER (MANGESH S. PATIL, J.) :

Heard the learned advocate for the petitioner as also the learned AGP extensively. We have also perused the original file of the scrutiny committee in respect of petitioner as well as the validity holders, he is relying upon namely Niranjana Shridhar Salunke and Sushil Shridhar Salunke.

2. It transpires that though the petitioner has been relying upon the validity certificates of Niranjn and Sushil, none of them has filed affidavit in his support. Precisely for this reason, the committee refused to extend the benefit of those two validities to the petitioner.

3. Today the learned advocate for the petitioner tenders across the bar affidavits sworn by Niranjn and Sushil. Those are taken on record and marked as 'X-1' and 'X-2' for the purpose of identification. Both of them have supported the petitioner and have given a uniform genealogy as has been relied upon by the petitioner as under :-

GENEALOGY



4. In juxtaposition to these two affidavits, we have gone through the original files of Niranjn and Sushil. In the affidavit - 'X-1' Niranjn has shown Ukhardu to be his great grandfather and son of Shamji. One Fakira who is ancestor of the petitioner has been shown

to be the brother of Ukhardu. However, in the affidavit filed by him in his case before the scrutiny committee dated 21-01-2008, he has given a genealogy and shown one Naikji to be father of Ukhardu and one Chindhu to be Ukhardu's brother.

5. We are simply pointing out that since the affidavits of both these validity holders were not before the committee which had refused to extend the benefit of those validities to the petitioner, if they are now coming forward and filing their affidavits in support, in our considered view, an opportunity deserves to be extended to the committee to undertake a fresh scrutiny since *prima facie* there is a serious issue regarding genealogy.

6. We are allowing the writ petition partly.

7. The impugned order is quashed and set aside.

8. The committee shall now decide the matter afresh and if necessary by resorting to vigilance enquiry and more particularly in the light of affidavits 'X-1' and 'X-2' filed in this Court.

9. The committee shall extended an opportunity to the petitioner to produce record and some other document if he so chooses. The committee shall decide the matter afresh as expeditiously as possible and in any case within three months.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/