

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****Writ Petition No. 8419 / 2021**

Chandrakant s/o Narsing Rokde,
Age 23 years, Occu. Education,
R/o. Dongarshelki, Tq. Udgir,
Dist. Latur.

...Petitioner**Versus**

1. The State of Maharashtra,
Through Secretary to
Medical Education and Drugs Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification Committee, At Aurangabad,
Through its Dy. Director (R),
Dist. Aurangabad.
3. The Dean
Ashwini Rural Medical College
Hospital and Research Centre,
Kumbhari, South Slapur,
Dist. Solapur.
4. The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul/
Nashik, Dist. Nashik.
5. The Principal,
Rajarshi Shahu College, Latur,
Dist. Latur.

...Respondents**WITH****Writ Petition No. 8421 / 2021**

Suryakant s/o Narsing Rokde,
Age 21 years, Occu. Education,
R/o. Dongarshelki, Tq. Udgir,
Dist. Latur.

...Petitioner

Versus

1. The State of Maharashtra,
Through Secretary to
Medical Education and Drugs Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification Committee, At Aurangabad,
Through its Dy. Director (R),
Dist. Aurangabad.
3. The Principal,
Mahatma Gandhi Junior College Sugaon,
Tq. Chakur, Dist. Latur.

...Respondents

Mr. Sunil M. Vibhute, Advocate for the Petitioners in both petitions.

Mr. S. G. Sangale, AGP for respondents/State in both petitions.

Mr. Shamsundar B. Patil, Advocate for respondent no.3 in Writ
Petition No.8419/2021.

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

DATE : 31 JULY 2023.

FINAL ORDER [PER : SHAILESH P. BRAHME, J.] :

. Heard learned Counsel for the respective parties. Considering the urgency, the matter is taken up for final disposal at the admission stage.

1. The petitioners in both petitions are real brothers. Their caste claim were invalidated by common judgment and order dated 13.03.2021. They are claiming parity in view of caste validity certificate issued in favour of father, Narsing. There is common

record and hence both the matters are decided by this order.

2. The learned AGP supports the impugned judgment and order. The Scrutiny Committee is justified in discarding the validity certificate of the father. It is rightly noticed by the Committee that the school record of the close relatives namely Vitthal, Narayan, Narsing, Ranjanabai, Santosh, Sanjana and Vinod was tampered. He would submit that the Committee has decided to reopen the validity certificate issued to father.

3. We find that there was vigilance report in case of father Narsing Vitthal Rokde. All the relevant entries were considered during the scrutiny of the caste claim of the father. By reasoned order, father was issued with the validity certificate. We hold that the father was issued with validity certificate after following due procedure of law. It is safe to rely upon the validity certificate.

4. We have also noticed an old entry, which was considered during the scrutiny of caste claim of father. It has probative value. Considering the validity certificate of the father, the petitioner is entitled to enjoy the same social status.

5. We hold that the impugned judgment and order is arbitrary and unsustainable. We dispose of this writ petition by passing following order.

ORDER

(i) The impugned judgment and order is quashed and set aside.

- (ii) The Scrutiny Committee shall issue tribe validity certificate of scheduled tribe 'Mannervarlu' in favour of both the petitioners within two weeks, which shall be subject to following conditions:
- (a) The caste validity certificate shall be subject to the outcome of the re-verification of the validity certificate of the father proposed by the Scrutiny Committee.
 - (b) The petitioners shall not claim any equity.
 - (c) The petitioners shall cooperate with the Scrutiny Committee.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]