

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

WRIT PETITION NO. 6563 OF 2019

Prachu d/o Shivaji Palampalle,
Age : 24 years, Occ. : Student,
R/o. At. Kolewadi (Naichakur),
Tq. Omerga, Dist. Osmanabad.

... Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department, Mumbai.
2. The Director of Medical Education,
Saint John Hospital Campus, Mumbai.
3. Maharashtra University of Health Science,
Through its Registrar,
Dindori Road, Mharsul, Nashik.
4. The Scheduled Tribe Certificate Verification Committee,
Aurangabad, through its Joint Director and
Member, CIDCO, Aurangabad.
5. The Dean,
Government Medical College,
Latur.

... Respondents

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Advocate for Petitioner : Mr. Mahesh S. Deshmukh i/by Mr. Phatale Sagar S
AGP for Respondent Nos. 1, 2, 4, 5 : Mrs. M. A. Deshpande
Advocate for Respondent No.3 : Mr. Deshpande Dhananjay P

...

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

DATE : 08 AUGUST 2023.

PER COURT :

. Heard the learned Advocate for the petitioner and the learned AGP finally at the stage of admission since the petitioner has appeared for NEET/PG-2023.

2. The petitioner is challenging the order dated 24.04.2019 passed by the respondent no.4/Scrutiny Committee, confiscating and cancelling her tribe certificate as belonging to 'Koli Mahadev' scheduled tribe under Section 7(1) of the Maharashtra Act No. XXIII of 2001.

3. Both the sides took us through the record and particularly the circumstance regarding manipulation in the school record of petitioner's father Shivaji, wherein the word 'Valmiki' is replaced by 'Mahadev'. The Committee has refused to grant the benefit of validity of father to the petitioner. The Committee has come out with couple of other reasons for not extending the benefits of validity of father Shivaji to the petitioner by observing that it was obtained by concealing the earlier invalidities in the family, of one Mr. Dnyaneshwar Gopalrao Palampalle and Hanmant Palampalle.

4. Obviously as far as the alleged fraud is concerned, admittedly, the Committee has already issued a notice to the petitioner's father, Shivaji in the year 2019. However, it has not been taken to the logical end. We

are consciously avoiding to make any comment in respect of the alleged forgery as it would be a subject matter which would be directly and substantially in issue in the matter of Shivaji which the Committee has reopened. Shivaji himself is also not before us. Any observations made by us in respect of the circumstances which according to the Committee constitute fraud would cause prejudice to him and would have a bearing on the enquiry being undertaken by the Committee.

5. The fact remains that petitioner's father possesses a validity. Keeping aside the dispute about the alleged fraud, it is not the observation of the Committee that the procedure prescribed by law was not followed when the Committee granted him a validity certificate. In fact the vigilance enquiry was conducted and in due course the order was passed for granting validity certificate to him. If that is the state of affairs, in the light of the decision in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others** reported in 2023(2) Mh.L.J.785, since the certificate of validity was issued to the petitioners' father by following procedure prescribed by law and the rules thereunder, the petitioner deserves to be extended the benefit obviously subject to the final outcome of the matter of Shivaji reopened by the Committee. We, therefore, pass the following order.

ORDER

- (i) The writ petition is partly allowed.
- (ii) The impugned order dated 24.04.2019 passed by the respondent

no.4/Scrutiny Committee is quashed and set aside.

(iii) The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe, which shall be subject to the final outcome of the matter of her father Shivaji, which the Committee has reopened.

(iv) The certificate of validity shall be issued in the prescribed format without incorporating any other conditions.

(v) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb...