

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

WRIT PETITION NO.7379 OF 2022

Yuvraj s/o. Ganesh Paripelli
U/g. of his father
Ganesh s/o. Rajayya Paripelli

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through it's Secretary to
Tribal Development Department
Mantralaya Mumbai
2. The District Cast Validity Committee,
Jalna Dist. Jalna
3. The Sub-Divisional Officer,
at Jalna Dist. Jalna
4. The Union of India
through it's secretary to
Ministry of Education
Ministry of Health and Family
Welfare Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi – 110 001

... **RESPONDENTS**

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Advocate for Petitioner : Mr. S.G. Dodya
Addl. G.P. for Respondent Nos.1 to 3 : Mr. M.M. Nerlikar

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CORAM : **MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : **05.12.2023**

PER COURT:

Heard both the sides finally. Rule. Rule is made returnable forthwith. At the joint request of the parties the matter is heard finally at the stage of admission.

2. The petitioner's claim of belonging to "Bhoi" NT-B has been turned down by the respondent – Committee.

3. The learned advocate for the petitioner brings to our notice the fact that the petitioner's second degree cousin paternal uncle Kiran Ramesh was issued with certificate of validity in the year 2003. Ramesh was also granted certificate of validity in the year 2004. Besides his paternal aunt Sushma Rajayya and real brother Raghvendra have been granted certificates of validity by undertaking due process of law. The committee has refused to grant benefit of these many validities by undertaking a fresh scrutiny of the material which was already before the previous committee which had the occasion to consider it and even was commented upon in the matter of Raghvendra. It allowed his claim and validated his caste certificate. He would submit that following the principle laid down in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.; 2023 SCC Online SC 326** the petitioner is entitled to derive the benefit of these many validities. The approach of the committee is faulty. It could not have resorted to a fresh scrutiny. The observations of the Committee are perverse and arbitrary and based on surmises and conjunctures.

4. Learned AGP took pains in demonstrating from the original files as to how there was a contrary school record of validity holder Ramesh which indicated that he was 'Telangi'. A correction was subsequently carried out without any authority in law and that formed the basis for the then committee to issue validity certificate to him. It cannot be said that he was granted certificate of validity by following due

process of law. There were inconsistent entries of the family members in the school record as Zinga Bhoi/Fisher man. The committee has, therefore, rightly rejected the claim by refusing to extend the benefit of the validities in the family. He would also submit that the Committee on its own had called the original school record and had confirmed that it was containing adverse entries which were subsequently changed unauthorizedly.

5. Admittedly, the petitioner's second degree cousin paternal uncle Kiran is the first validity holder who was granted validity in the year 2003. Though the Committee has taken pains in commenting upon the decision of the Committee which granted certificate of validity to his father Ramesh, the impugned order is conspicuously silent in respect of the validity of Kiran which was first in point of time. There could be, as is being argued by the learned AGP circumstances of incorrect appreciation of the evidence by the then committee. However, that is not the purport of the ratio laid down in the matter of **Maharashtra Adiwasi Thakur Jamat** (supra). The impugned order does not expressly mention that Ramesh, Kiran, Sushma or Raghvendra were issued certificates of validity by not following due process. The present committee had no option but to have relied upon these validities which are still intact and never sought to be confiscated and cancelled.

6. Since it is a matter of social status, one cannot comprehend a situation where some family members are being recognized and treated as

belonging to a particular scheduled caste or scheduled tribe but not the others.

7. Again a bare perusal of the order passed in the matter of Raghvendra, whose file has been made available to us by the learned AGP, clearly shows that all the contrary entries or manipulation of the school record referred to in the impugned order and being pointed out by the learned AGP, was objectively considered by the Committee before granting certificate of validity to him. The impugned order is absolutely silent about this aspect. One wonders as to how a successor committee could undertake a fresh scrutiny of the same set of evidence and arrive at different conclusion, even without commenting upon the reasons assigned by the then committee which recognized Raghvendra's claim.

8. The impugned order, therefore, is clearly perverse and arbitrary and is liable to be quashed and set aside.

9. The writ petition is allowed. The impugned order is quashed and set aside. The Committee shall issue certificate of validity to the petitioner of "Bhoi" NT-B immediately.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)