

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

WRIT PETITION NO. 4333 OF 2022

SHREENATH RAMAKANT PATTEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO. 4352 OF 2022

PRIYANKA RAMAKANT PATTEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO. 5614 OF 2022

1. POOJA MACCHINDRA PATTEWAD
2. PRITI MACCHINDRA PATTEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

AND
WRIT PETITION NO. 5808 OF 2023

PRITAM KASHINATH PATTEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners in WP/4333/22 & 4352/22 : Mr. O.B. Boinwad
Advocate for Petitioners in WP/5614/22 & 5808/23 : Mr. S.M. Vibhute
AGP for Respondent/s – State : Mr. A.S. Shinde

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

**Reserved on : 04 SEPTEMBER 2023
Pronounced on : 08 SEPTEMBER 2023**

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. Heard learned counsel for the respective sides finally at the admission stage.

2. All the petitioners are related inter se. They were issued tribe certificates for 'Koli Mahadev' scheduled tribe. By common judgment and order dated 14.02.2022, their tribe certificates were invalidated. There is common record. Hence, we are considering all the matters together. For the sake of convenience, we are referring Writ Petition No. 4352 of 2022 that of Priyanka.

3. The petitioners are relying upon validity certificate issued to Ramakant, Suryakant, Gunwanti. The petitioners have produced the genealogy in their respective matters to show their relationship with Ramakant. According to them, the validity certificate of Ramakant is reliable and it would enure to their benefits. Due procedure of law was followed by the Scrutiny Committee in his matter.

4. Learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee is justified in rejecting the tribe claim because there were contrary entries in the school record of Daivshala, Padmin, Meena, Pandhari, Naganth. The census record of 1951 indicates the caste of the relatives of the petitioners as 'Koli'. It is further submitted that the manipulation in the school record was noticed in case of Vasant, Vishwanath and Laxman.

5. Learned AGP would further submit that the validity certificate of Ramakant was procured by suppression of material facts. It was based upon the false information pertaining to the relatives of the

petitioners. The validity certificate of another validity holder Ranjana Nagnath Pattewar was also found to be unreliable. It is informed by learned AGP that the Scrutiny Committee has proposed re-verification of the validity holders. He has produced original papers of the petitioners.

6. We have considered submissions advanced by learned counsel of both the sides. Learned counsel for the petitioners has drawn our attention to the vigilance enquiry report in case of Ramakant which is at page no. 48. There is no dispute of relationship of Ramakant with the petitioners. The relevant documentary evidence was verified. By reasoned order, Ramakant was issued with the validity certificate. We are of the view that it was issued after following due procedure of law.

7. To substantiate the claim, the petitioner has produced on record common judgment and order dated 26.07.2023, passed by our bench in Writ Petition No. 8226 of 2020 in the matter of Anjali Laxmanrao Pattewar Versus State of Maharashtra with another Writ Petition. The petitioners in that case are stated to be the blood relatives of the present petitioners. Our attention was drawn to paragraph no. 5 and 9 of the judgment. There is a reference of the validity holder Ramakant Vasant Pattewar upon whom reliance is sought for in the present matters. Relying upon validity certificates of Ramakant and Ranjana, the directions were given to issue validity certificate subject to certain condition. We have no hesitation in following the same course in the present matters also.

8. Learned AGP has drawn our attention to the photocopies of the school record of Vasant, Suryakant and Vishwanath, to show that there was a manipulation. However, we are not impressed by the submissions of learned AGP because self same record was earlier considered and validity certificate was given to Ramakant.

9. It is settled position of law that the successive Scrutiny Committee cannot sit over in Appeal in respect of the same record and validity certificates. In that view of the matter, the Scrutiny Committee has committed jurisdictional error in rejecting the caste claim of the petitioners. The objections of learned AGP in respect of contrary entries indicating caste as 'Koli', the doubtful genology and the genuineness of earlier validity certificates can be gone into by the Scrutiny Committee during re-verification. As re-verification is under way, we do not prefer to make any comments on the submissions of learned AGP, at this juncture.

10. The Scrutiny Committee has recorded a finding against the petitioners on the basis of census record of 1951. As per Section 15 of Census Act, the record is inadmissible. We, therefore, do not approve the finding of the Committee recorded in this regard.

11. We are of the considered view that the impugned judgment and order is unsustainable. We, therefore, dispose of Writ Petitions by passing following order :

ORDER

- i. The Writ Petitions are partly allowed.
- ii. The common impugned judgment and order dated 14.02.2022, passed by the Scrutiny Committee, is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Koli Mahadev' scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
- iv. The certificates of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- v. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]**[MANGESH S. PATIL, J.]**