

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****Writ Petition No. 8384 of 2023**

Ashwini Balaji Shetewad

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
through its Deputy Director (R).
3. The Scheduled Tribe Certificate Scrutiny
Committee, Kinvat Head Quarter Aurangabad,
through its Deputy Director (R).

...Respondents

AND**Writ Petition No. 8385 of 2023**

Sanjana Shankarrao Shetewad

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
through its Deputy Director (R).
3. The Scheduled Tribe Certificate Scrutiny
Committee, Kinvat Head Quarter Aurangabad,
through its Deputy Director (R).
4. The Commissioner & Competent Authority,
State CET Cell, Maharashtra State,
Mumbai. (Controller of Admission Process)
8th Floor, New Exelsior Building,
AK Marg, Fort, Mumbai.

...Respondents

AND

Writ Petition No. 8386 of 2023

Jayshri Shankarrao Shetewad

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
through its Deputy Director (R).
3. The Scheduled Tribe Certificate Scrutiny
Committee, Kinvat Head Quarter Aurangabad,
through its Deputy Director (R).
4. The Principal,
MIT College, Kothrud,
S.No.124, Ex-Servicemen Colony Post Office,
Paud Road, Kothrud, Pune.
5. The Registrar,
Savitribai Phule Pune University
Ganeshkhind Rd, Ganeshkhind, Pune.

...Respondents

Mr. Pratap V. Jadhavar, Advocate for the Petitioners in all matters.

Mr. S.G. Sangale, AGP for Respondents/State.

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

DATE : 31 AUGUST 2023.

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

. Heard both the sides finally at the admission stage.

1. The petitioners are related *inter-se*. Their tribe certificates

were invalidated by common order dated 15.12.2021 passed by the Scrutiny Committee. Being aggrieved, these petitions are filed. As there is a common record, the petitions are considered together.

2. The petitioners are relying upon the validity certificate issued to Govind. According to the petitioners, in view of this validity certificate, the Scrutiny Committee should not have rejected the caste claim.

3. The learned AGP supports the impugned judgment and order. The Scrutiny Committee has rightly rejected the caste claim considering contrary school record and manipulation of the school record of Govind and Balaji. He would submit that the validity certificates are not reliable because they were procured by misrepresentation and suppression of material facts. He would further submit that the Scrutiny Committee has decided to reopen the matters of the validity holders. He has placed on record papers of one of the validity holders, Govind.

4. We have considered rival submissions of the parties. The genealogy which is on record at page no.21 is undisputed. We have noticed that there was vigilance report in the matter of Govind. By a reasoned order Govind was issued with validity certificate. It reflects from the speaking order that the school record of Balaji of 1977 was considered besides other records. We have no any hesitation in relying upon the validity certificate of Govind.

5. The Scrutiny Committee committed perversity in discarding the validity certificates. This approach is against the law laid down by

the Supreme Court in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others** reported in 2023(2) Mh.L.J.785.

6. We do not think it proper to comment upon the submissions of learned AGP in respect of alleged tampering of school record of Govind and Balaji at this juncture. The Scrutiny Committee can look into the matter during the re-verification which is undertaken. It is suffice to state that unless the earlier validity certificates are revoked, the petitioners cannot be denied the same social status. Hence, the following order.

ORDER

- (i) The writ petitions are partly allowed.
- (ii) The impugned orders are quashed and set aside.
- (iii) The respondent-committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Koli Mahadev' scheduled tribe in the prescribed format without incorporating anything. The validities shall be subject to the final outcome of the matters which the committee has decided to re-open.
- (iv) The petitioners and their relations shall co-operate the committee in early decision of the re-opened matters.
- (v) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]