

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

WRIT PETITION NO. 9076 OF 2019

Omkar S/o Sanjay More,
Age : 18, Occu. : Education,
R/o Doiphadwadi, Tq. Georai,
Dist. Beed. .. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Agriculture, Animal Husbandry
Dairy Development and Fisheries
Department
2. The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad,
through its Member Secretary,
Aurangabad.
3. The Commissioner & Competent Authority,
Commissionerate Common Entrance Test
Cell, Government of Maharashtra,
8th Floor, New Excelsior Building,
A. K. Naik Marg, Fort, Mumbai. .. Respondents

Shri S. M. Vibhute, Advocate for the Petitioner.
Shri S. G. Sangale, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 08 SEPTEMBER 2023.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard learned counsel for the respective parties finally at
the admission stage.

2. The petitioner has taken exception to the judgment and order dated 17.07.2019 passed by the respondent No. 2/Scrutiny Committee invalidating tribe claim of the petitioner and confiscating the tribe certificate.

3. The petitioner is relying upon validity certificates issued in his family to seven persons including his father. Besides that he is relying upon the revenue record.

4. Per contra, the learned Assistant Government Pleader supports the impugned judgment and order. He would submit that the scrutiny committee has rightly rejected the tribe claim of the petitioner because there is manipulation in the school record of Rajkumar, Ashok and Sanjay. The Committee found that the validity certificates are based upon manipulated record and, therefore, unreliable. The revenue record of Rajaram reveals the contrary entry. The learned A. G. P. has produced on record the original papers of the petitioner and his father.

5. We have gone through the papers of Sanjay Manohar More, father of the petitioner. It reveals that vigilance enquiry was conducted in his matter. By speaking order he was issued with the validity certificate. It is issued by following due procedure of law and it should enure to the benefit of the petitioner.

6. The Scrutiny Committee discarded revenue record because it was indicating caste Koli. We have perused the original

papers. We are surprised to note that the revenue record indicates caste as Koli Mahadev. It is old record of 1954. We hold that the findings recorded by the Committee in this regard are perverse.

7. The Scrutiny Committee is intending to reopen the matters of the validity holders. Unless the earlier validity certificates are revoked, the petitioner cannot be deprived of the same social status. The petitioner is entitled to validity certificate conditionally.

8. We find that the impugned judgment and order is unsustainable. We are inclined to allow the writ petition partly.

9. For the reasons assigned above, we pass following order.

ORDER

A. The writ petition is partly allowed.

B. The impugned judgment order dated 17.07.2019 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

C. The respondent No. 2/Scrutiny Committee shall issue tribe validity certificate to the petitioner as belonging to the 'Koli Mahadev' (Scheduled Tribe) forthwith.

D. The said validity certificate shall be subject to the outcome of the reverification undertaken by the scrutiny committee of the

validity holders.

E. The petitioner shall not be entitled to claim equities.

F. The writ petition is disposed of in above terms. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Sept. 23