

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

WRIT PETITION NO. 9059 OF 2019

SHUBHAM S/O. ANKUSH BOMBILE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents : Mr. S.K. Tambe

....

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

DATED : 02 AUGUST, 2023

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

1. Heard both sides finally. Considering the urgency in the matter, it is taken up for final hearing at the admission stage.
2. The petitioner is challenging the judgment and order dated 18.07.2019, passed by the Scrutiny Committee invalidating his caste claim for 'Koli Mahadev' scheduled tribe. He is relying upon the validity certificates issued in favour of his paternal side close blood relatives including his real sister Kajal. According to him, the impugned judgment and order is discriminatory and unsustainable. He is also placing reliance upon the school record of the relative.
3. Learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee has considered all aspects

of the matter and there is no any illegality or perversity. The Scrutiny Committee has rightly discarded the validity certificate. It is also informed that the Scrutiny Committee has decided to undertake re-verification of the validity certificates of the relatives of the petitioner.

4. It is seen from the record that the validity certificates are issued to Bharat Lalasaheb Lahu and Kajal. The genealogy is on record at page no. 20 and relationships are not disputed. Kajal is the real sister of the petitioner. Besides that, there is clinching evidence in the form of old entry of grandfather of the petitioner Keshav Bhaguram Bombile showing 'Mahadev Koli' as a caste. It is seen that the contrary entries pointed out by the learned AGP were already considered in the matters of the validity holders. It is not necessary to scrutinize the same record again.

5. We find that the validity certificates are issued after following due produce of law and those are worth relying. The submission of learned AGP regarding suppression of an order of invalidity passed against Angad and illegality was perpetuated in the validities issued to the relatives of the petitioner cannot be gone into at this juncture. As the Scrutiny Committee has decided to undertake the re-verification, it is open for the Committee to consider this aspect of the matter. Unless and until the validity certificates are revoked,

the petitioner cannot be deprived of the social status as claimed by him.

6. It is also matter of record that there was vigilance enquiry in case of petitioner's sister. The report which is on record reveals that considering the information gathered during information regarding the tradition, traits, customs, religious ceremony, found to be compatible with 'Mahadev Koli' scheduled tribe. It is further noticed that there was vigilance enquiry in the present matter and petitioner has submitted reply. In that view of the matter, when already real sister was issued with validity certificate, we do not find any reason to deny the same status to the petitioner.

7. We hold that the impugned judgment and order is unsustainable and liable to be rejected. We, therefore, pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order dated 18.07.2019 passed by the respondent no.2/Scrutiny Committee is quashed and set aside. The Committee, shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli

Mahadev' scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matter which it intends to reopen in respect of the validity holders.

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

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/