

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

WRIT PETITION NO. 9205 OF 2023

PRASHANT PANDURANG GADAMWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for Petitioner : Mr. Pratap V. Jadhavar
AGP for Respondent Nos. 1 to 3 : Mr. A.A. Jagatkar
....

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

DATED : 04 AUGUST, 2023

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

1. Heard both sides finally.
2. The petitioner is challenging common judgment and order dated 28.06.2023, to the extent of his claim. His caste certificate of 'Koli Mahadev' scheduled tribe, was invalidated and confiscated by the Scrutiny Committee. According to him, the Committee discriminated him when there is already caste validity in favour of Kondiba Vitthal Gadamwad, who is his cousin.
3. Learned AGP supports impugned judgment and order. According to him, the Committee has rightly rejected the caste claim considering the contrary entries and manipulation in the school record. No case is made out to interfere with the impugned judgment

and order. The Committee has already issued show case notice to the validity holder for re-verification.

4. The validity holder Kondiba is paternal side blood relative of the petitioner. It is evident from genealogy which is on page no. 20. In case of Kondiba, there was vigilance enquiry conducted. A report thereof is on record at page no. 29. It refers to various entries of the relatives of the petitioner. Thereafter, by reasoned order validity certificate was issued to Kondiba. Unless the validity certificate is revoked, we have no alternative than to follow the validity certificate.

5. The Scrutiny Committee has conducted re-verification. It is open for it to consider objections in respect of contrary entries and manipulation of the record. We do not propose to offer our comments at this stage. We are of the considered view that the petitioner is entitled to validity certificate.

6. The impugned judgment and order is arbitrary and unsustainable. We, therefore, pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order is quashed and set aside to

the petitioner – Prashant Pandurang Gadamwad only.

The Scrutiny Committee shall issue tribe validity certificate to the petitioner Prashant Pandurang Gadamwad of 'Koli Mahadev' (Scheduled Tribe).

iii. This validity shall be subject to the decision to be taken by the Scrutiny Committee in the reopened matters.

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

v. The learned A. G. P. is requested to communicate this order immediately to the Scrutiny Committee, since tomorrow is the last date for uploading the documents in the NEET-PG-23 admission process.

vi. Parties to act on authenticated copy of this order.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)