

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

WRIT PETITION NO. 9144 OF 2023

1. Yogesh Hanmant Ronte,
Age : 20 Yrs., Occ : Nil – Student,
R/o. Ptoda – Thadi, Tq. Dharmabad,
District : Nanded.
E-mail: yogeshronte94283@gmail.com
Mobile No. 9604330199
 2. Om Sanjeev Ronte,
Age : 19 Yrs., Occ : Nil – Student,
R/o. Ptoda – Thadi, Tq. Dharmabad,
District : Nanded.
E-mail: omsronte123@gmail.com
Mobile No. 8767553526
- .. Petitioners

Versus

1. The State of Maharashtra,
Through the Secretary,
Tribal Development Department,
Mantralaya, Mumbai 400 032.
 2. The Scheduled Tribe Certificate Scrutiny
Committee, Kinvat, Head Quarter
at Aurangabad, through its.
Joint Commissionr & Vice Chairman.
- .. Respondents

Shri Ajay Shantaram Deshpande, Advocate for the Petitioners.
Shri A. S. Shinde, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 01 AUGUST 2023.

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

. Heard both the sides finally at the admission stage as
urgency is expressed in the matter.

2. By this petition we are examining validity of common judgment and order dated 20.07.2023 passed by the respondent No. 2/Scrutiny Committee invalidating the claims of the petitioners being to 'Koli Mahadev' (Scheduled Tribe).

3. The petitioners are cousins and there is common record to examine validity of the caste claims. They rely upon validity certificates issued to Hanmant Ronte, who is father of one of the petitioners. According to them the relevant record was already scrutinized and validities were issued.

4. The learned Assistant Government Pleader submits that the impugned judgment and order is legal and proper. The validity certificates are not reliable and procured by suppressing material facts. False affidavits were filed and an order of invalidity passed in the matter of Sanjay Marutirao Ronte was suppressed.

5. We have considered the rival submissions. Perused the files produced by the learned A. G. P. in the matter of Hanumant Marotrao Ronte and Sanjiv Marotirao Ronte. We have noticed that father of the one of the petitioners and uncle of the petitioners were issued with the validity certificates. The learned A. G. P. has not pointed out any adverse circumstance to deprive the petitioners from issuance of validity certificates. Even if the order of invalidation in the case of Sanjiv Ronte was not disclosed that cannot be a material irregularity. That does not operate as *res-judicata* or estopps the Committee from granting validity to the petitioners.

6. We find that Hanumanta, father of the one of the petitioners was issued with validity certificate after following due procedure of law. At this juncture, we are prepared to rely upon the validity certificates. The petitioners are entitled to the same social status.

7. It is informed that the Scrutiny Committee has decided to undertake reverification. The Committee can look into the objections raised by the learned A. G. P. regarding statements in the affidavit of Hanmant, the contrary entries and the infirmities in the validity certificates. Unless and until the validity certificates are revoked, we cannot deprive the petitioners from equal status.

8. We, therefore, hold that the impugned judgment and order is unsustainable and deserves to be quashed and set aside. We dispose of this writ petition by passing following order.

O R D E R

1) The writ petition is partly allowed. The impugned order is quashed and set aside. 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 reopened matters.

2) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

bsb/Aug. 23

[MANGESH S. PATIL, J.]