

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

WRIT PETITION NO. 8943 OF 2023

1. KUM.VAISHNAVI GANESH BHOKAN
2. DHEERAJKUMAR MOTISING BHOKAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for Petitioners : Mr. V.D. Hon, Senior Advocate
i/b. Mr. A.V. Hon
A.G.P. for Respondent Nos. 1 & 2 : Mr. A.S. Shinde
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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATED : 26 July, 2023

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

1. Heard both the side for final disposal of the writ petition.
2. The petitioner no. 1 is aspiring to prosecute the studies in the medical sciences and she has appeared for NEET examination. The petitioner no. 2 is doing his B.Sc. They are anxious to get validity certificates. Hence, the present matter is heard from the student's category.
3. The petitioners are challenging the common judgment and order dated 21st July 2023, passed by Scrutiny Committee invalidating

their tribe claim of 'Naikada' scheduled tribe. They are cousins. They are relying upon validity certificates of the close relatives, school record of the relatives, revenue record, genealogy, the record of the birth extract and specifically the decision of High Court in Writ Petition No. 8492 of 2020.

4. The learned Senior Counsel for the petitioners would submit that the impugned judgment and order is discriminatory and perverse because despite validities of the close paternal side relatives they are deprived of the social status. He would rely upon the judgment of Payal Bhagchand Bhokan who happens to be cousin of the petitioners.

5. The Scrutiny Committee invalidated the caste claims because the school entries of the relatives were found to be of the period 1982 to 2017 and the same were falsely recorded. The Scrutiny Committee noticed the manipulation in the school record in case of close relatives of the petitioners namely Ramsing, Tekchand, Bansi, Khansing, Mansing, Tarsing, Badansing, Bhagchand, Umabai and Sushila. The school record was verified through vigilance cell and found to be incompatible with the tribe claim of the petitioners. The

relatives of the petitioners were suspected to be of 'Banjara'. Considering the geographical locations of the petitioners and the relatives, the claim was found to be improbable.

6. The Scrutiny Committee declined to rely upon the validity certificates of the relatives Vikas, Hirsing, Indrajeetsing and Payal. It was recorded that the validity certificates were procured by suppressing material facts and misleading genealogy. The affinity test was also recorded against the petitioners.

7. Learned AGP supports impugned judgment and order. According to him, the school record of close relatives was manipulated and forged. There is no reliable material available to support the case of the petitioner. According to him, the Scrutiny Committee has arrived at a possible conclusion on the basis of record available with it.

8. We have carefully gone through the record and considered the submissions of the party. The genealogy is produced on record which is at page no. 29. The validity certificates of Payal Bhagchand Bhokan, Vikas Mansing Bhokan, Indrajeet Thansing Bhokan and Hirasing Ramsing Bhokan are produced on record. The relationship is

not disputed. They all are close paternal side relatives of the petitioners. Learned AGP is unable to persuade us from taking any contrary view for denying the validity to the petitioners on the ground of parity.

9. Interestingly, Payal Bhagchand Bhokan was issued with validity certificate on certain conditions by High Court vide its order dated 08 January 2021, which is at page no. 192. The contrary entries and entire material which is before us was considered by High Court and her petition was allowed. It can be safely concluded that Payal was issued validity certificate after following due procedure of law. We have to follow the principles laid down by the Supreme Court in the matter of [*Maharashtra Adiwasli Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others*](#), **2023 SCC Online SC 326** and to confer validity certificate to the petitioners.

10. The submissions of learned AGP regarding old contrary entries and manipulation of the record cannot be considered, at this juncture. It is disclosed by him that the Scrutiny Committee has already decided to reopen the matters of validity holders. Show cause notices are also issued. Unless and until the validity certificates are

revoked, we cannot deprive the petitioners from enjoying the social status.

11. The Scrutiny Committee has committed perversity in rejecting the caste claims of the petitioners. The impugned judgment and order is unsustainable.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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