

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

WRIT PETITION NO. 9221 OF 2023

Vivek Sangram Puttewad

...Petitioner

VERSUS

- 1) The State of Maharashtra
- 2) The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad
Through its Dy. Director (R) Dist.
Aurangabad.

...Respondents

...

Advocate for Petitioner : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents/State : Mr. S. K. Tambe

...

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

DATE : 01.08.2023

PER COURT :

. Heard both the sides. Considering the urgency, matter is taken up for final hearing.

2. The petitioner is challenging judgment and order dated 18.07.2023 passed by the Scrutiny Committee, invalidating his tribe claim for scheduled tribe 'Koli Mahadev'. The petitioner is relying on the validity certificate issued to his father, Sangram Sopanrao Puttewad. According to him, after following due procedure of law, the validity certificate was issued to his father.

3. The learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee is justified in rejecting the caste claim of the petitioner. The validity certificate was procured by suppression of material facts and unreliable. It is also inform that the Scrutiny Committee has decided to undertake re-verification of the validity certificate of the father.

4. The learned AGP has produced original files of petitioner as well as his father. It can be seen from the record that there was vigilance enquiry conducted in case of his father. By reasoned order, validity certificate was issued to his father on 01.02.2011. The school record of the close relatives was considered by the Scrutiny Committee. We find that the validity certificate is reliable. The petitioner is entitled to receive the validity certificate on certain conditions.

5. The learned AGP has drawn our attention to the incomplete genealogy produced during the enquiry of the caste claim of his father. It is further pointed out that there is an old entry of 1966 showing caste of great grandfather of the petitioner as 'Koli'. Therefore, it is contended that this is not fit case to rely upon the validity certificate. The submission of the learned AGP can be considered by the Scrutiny Committee during the course of re-verification. We do not offer any comment which may prejudice the enquiry proposed to be undertaken by the Scrutiny Committee.

6. We find that the impugned judgment and order is unsustainable. The petitioner is entitled to receive conditional validity. Therefore, we, pass the following order.

ORDER

1. The writ petition is partly allowed. The impugned order is quashed and set aside. The committee shall immediately issue tribe validity certificate to the petitioner as belonging to '*Koli Mahadev*' scheduled tribe. It shall be subject to the decision to be taken by the committee in the reopened matters.

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

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]