

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 9376 / 2022

Shubham s/o Shankarrao Koneri,
Age 27 years, Occu. Student,
R/o. Jai Bhavani Nagar, Purna Road,
Near Waman Nagar, Nanded,
Tq. and Dist. Nanded.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education Department,
Mantralaya, Mumbai.
2. The Director of Medical Education
St. John Hospital Campus, Mumbai.
3. Maharashtra University of Health Science
Through its Registrar, Dindori Road, Mharsul,
Nashik, Dist. Nashik.
4. Dr. Panjabrao @ Bhausaheb Deshmukh
Memorial Medical College,
Amravati, Dist. Amravati,
Through its Dean.
5. The Deputy Director (Research) and
Member Secretary,
Scheduled Tribe Caste Certificate
Verification Committee, Kinwat,
Headquarter Aurangabad,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad,
Dist. Aurangabad.

...Respondents

WITH

Writ Petition No. 9391 / 2022

Sanket s/o Shankarrao Koneri,
Age 23 years, Occu. Student,
R/o. Jai Bhavani Nagar, Purna Road,
Near Waman Nagar, Nanded,
Tq. and Dist. Nanded.

...Petitioner**Versus**

1. The State of Maharashtra,
Through its Secretary,
Medical Education Department,
Mantralaya, Mumbai.
2. The Deputy Director (Research) and
Member Secretary,
Scheduled Tribe Caste Certificate
Verification Committee, Kinwat,
Headquarter Aurangabad,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad,
Dist. Aurangabad.

...Respondents

Mr. Chandrakant R. Thorat, Advocate for the Petitioner in both petitions.

Mr. S. G. Sangale, AGP for respondents/State in both petitions.

Mr. Dhananjay P. Deshpande, Advocate for respondent no.3
in Writ petition No.9376/2022.

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

DATE : 17 JULY, 2023.

FINAL ORDER [PER : SHAILESH P. BRAHME, J.] :

. Heard these matters for final disposal with the consent and assistance of learned Counsel for the parties.

1. The petitioners in both the petitions, are siblings and sons of

Shankarrao Koneri. Their caste claim was invalidated by common judgment and order dated 11/08/2022, which is under challenge in these petitions. All facts and circumstances are identical, therefore both the petitions are being decided by this common order.

2. The petitioners are relying upon the validity certificates issued in favour of their father-Shankarrao, cousin uncle-Hanmant, cousin brothers Vedant and Sandeep. They are further relying upon the orders of the Scrutiny Committee passed in the matters of validity holders, the vigilance enquiry reports, school entries, affidavits, genealogy and the order dated 28.01.2022 passed by the High Court in writ petition 668/2022 in the matter of Vedant Baliram Koneri Vs. State of Maharashtra.

3. The learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee rightly considered the contrary entries and relied upon the vigilance enquiry report. The Scrutiny Committee took into consideration the caste shown in the school record of the blood relatives. The manipulation of the school record in the case of Baliram Piraji Koneri and Shobha Laxman Koneri is also considered. The Scrutiny Committee has rightly discarded the validity certificates, because those were secured by suppressing material facts. The affinity test was also taken into account for discarding the claim of the petitioners.

4. The learned AGP informs that the Scrutiny Committee has decided to reopen the matters of validity holders namely Hanmant Biraji Koneri, Sandeep Martik Koneri, Priyanka Hanmant Koneri,

Sampada Maroti Koneri, Baliram Piraji Koneri, Pranita Hanmant Koneri. The notices were issued to them. It is further pointed out that the petitioners protracted the matter after the order of remand.

5. We have considered the rival submissions of the parties. The genealogy is produced on record at page no.199 which is undisputed. The validity holders are close blood relatives on the paternal side of the petitioners. It appears from the record that their father, Vedant, Baliram and Hanmant were granted validity after following due procedure of law. There were vigilance reports and reasoned orders were passed while granting them validity. We are inclined to rely upon the validity certificates.

6. It is further noticed that the caste claim of Vedant was invalidated by the Scrutiny Committee by order dated 05.01.2022. Against that he had preferred Writ Petition No. 668/2022 which was allowed by order dated 28.01.2022. The High Court has already dealt with the material especially contrary entries and directed to issue validity. In the wake of that order, we have no alternative than to rely upon the validity certificate of Vedant. We are guided by the principles laid down by the Supreme Court in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others** reported in 2023(2) Mh.L.J.785.

7. We are of the considered view that the Scrutiny Committee discriminated the petitioners. The findings are unsustainable in law and are liable to be quashed.

8. We therefore partly allow these petitions by passing following order.

ORDER

(i) The judgment and order dated 11/08/2022 passed by the Scrutiny Committee is quashed and set aside.

(ii) The Scrutiny Committee shall issue tribe validity certificate of scheduled tribe 'Mannervarlu' in favour of both the petitioners, namely Shubham Shankkarao Koneri and Sanket Shankkarao Kaneri within a period of two weeks which shall be subject to following conditions.

(a) The caste validity certificate shall be subject to the outcome of the re-verification enquiry of the blood relatives of the petitioners as proposed by the Scrutiny Committee.

(b) The petitioners shall not claim any equity.

(c) The petitioners shall cooperate with the Scrutiny Committee.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]