

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

WRIT PETITION NO. 9588 OF 2023

1. Darshana D/o. Naresh Sonawane
2. Aryan S/o. Naresh Sonawane
3. Sagar S/o. Shamkant Sonawane
4. Yamini D/o. Shamkant Sonawane
5. Amruta D/o. Chandrakant Sonawane
6. Gaurav S/o. Chandrakant SonawanePetitioners

Versus

1. The State of Maharashtra
2. Scheduled Tribe Certificate Scrutiny Committee,
Dhule Division, Dhule.Respondents

Advocate for Petitioners : Mr.M.S. Deshmukh h/f. Mr. V.S. Bholankar
GP for Respondents : Mr. D.R. Kale

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

DATED : 04 AUGUST, 2023

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

1. Heard both sides finally at the admission stage considering the urgency that the petitioners want to prosecute further education.

2. The petitioners are challenging common judgment and order dated 30 June 2022, passed by the Scrutiny Committee

invalidating and confiscating caste certificates of 'Tokre Koli' scheduled tribe. Fulcrum of the submissions is that there is voluminous pre-independence record to support the caste claim. Besides that the validity certificates of close relatives are also relied on.

3. Learned AGP would support impugned judgment and order. According to him, the affinity test was rightly recorded against the petitioners. The validity certificates are not reliable. There are contrary entries to dislodge the claim. The petitioners have placed on record the list of the old documents showing the caste as 'Tokre Koli'.

4. The list on page no. 62 reveals number of documents of pre-independence period showing consistently caste as 'Tokre Koli' scheduled tribe. The genealogy is placed on record at page no. 155. The old entries co-relate to the relatives figuring in the genealogy. It is further noticed that all the old entries were referred to vigilance enquiry. The concluding part of the report on page no. 67 confirms the existence of the record.

5. Learned AGP is unable to persuade us for taking any contrary view. The old entries have greater probative value. A reliance can be placed upon law laid down by Supreme Court in the matter of

Apoorva Nichale vs. Divisional Caste Certificate Scrutiny Committee and others, 2010(6) Mh.L.J. 401 and Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others, 2023 SCC Online SC 326.

6. During the course of hearing, it is informed that the validity certificates are actually revoked by the Scrutiny Committee. They are under challenge in Writ Petition No. 936 of 2023 which is pending. We are of the considered view that the petitioners are entitled to conditional validity.

6. The impugned judgment and order is patently illegal and perverse. We, therefore, pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order dated 30 June 2022, passed by the respondent no. 2 – Scrutiny Committee, is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificates to the petitioners as belonging to

‘Tokre Koli’ scheduled tribe, which shall be subject to the decision in Writ Petition No. 936 of 2023.

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

v. Learned AGP 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 as petitioner no. 6 – Gaurav Chandrakant Sonawane is aspiring for NEET-PG-23.

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

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)