

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

WRIT PETITION NO. 5758 OF 2023

Akanksha D/o Rajkumar Sagare,
Age : 18 years, Occu. : Education,
R/o Shraddha Niwas, Shahu Nagar,
Vivekanand Chowk, Latur,
Tq. and Dist. Latur.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai – 32.
 2. The Scheduled Tribe Caste Certificate
Verification Committee, Kinwat,
Through its Dy. Director (R)
At Aurangabad.
 3. The Commissioner & Competent Authority
Commissionerate of Common Entrance
Test Cell, Government of
Maharashtra, 8th Floor,
New Excelsior Building,
A. K. Naik Marg, Fort, Mumbai.
- .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 09 AUGUST 2023.

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

. Heard learned counsel for the respective parties. Matter is

taken up for final adjudication at the admission stage considering the urgency expressed by the petitioner.

2. Being aggrieved and dissatisfied by the judgment and order dated 10.08.2022 passed by the respondent No. 2/Scrutiny Committee invalidating her caste claim as belonging to 'Koli Mahadev' (Scheduled Tribe), the petitioner is approaching this Court by way of present writ petition.

3. The petitioner is relying upon the validity certificate of her father and old entries.

4. The learned Additional Government Pleader supports the impugned judgment and order. He has drawn our attention to various contrary entries disclosing the caste of the blood relatives of the petitioner as Koli. He has also raised objection to the school record of the father. The contrary entries of Shripati Vithoba Sagare, Pandurang Kondiba, Sumabai Nagnath Sagare are sufficiently old, which are incompatible with the caste claim of the petitioner.

5. The learned Addl. G. P. has produced on record original file of father of the petitioner Rajkumar Shripatrao Sagare as well as file of the petitioner. It is further informed that the Scrutiny Committee has proposed reverification of the validity certificates.

6. We have seen from the original record that there was vigilance enquiry in the matter of Rajkumar, father of the

petitioner. By reasoned order Rajkumar was issued with the validity certificate. We have also noticed that the documentary evidence was considered before issuing validity certificate to Rajkumar. We are of the considered view that the validity certificate is secured by following due procedure of law and it would enure to the benefit of the petitioner.

7. The findings recorded by the Scrutiny Committee discarding the validity certificate of Rajkumar as was based upon the validity certificate of Omprakash, who was not related to the validity holder and, therefore, it was unreliable is perverse. The scrutiny committee overlooked the other documentary evidence which was supporting the case of the Rajkumar.

8. As the Scrutiny committee has proposed to undertake reverification, we need not examine the self same record again at this juncture. It is not permissible for us to examine the record of the validity holder, who is not before us. The petitioner is entitled to validity certificate on conditions. We hold that the impugned judgment and order is unsustainable and liable to be quashed and set aside.

9. For the reasons recorded above, we pass following order.

10. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent – committee shall immediately issue tribe validity certificate to the petitioner as belonging to '*Koli Mahadev*' scheduled tribe in the prescribed

format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

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

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23