

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

WRIT PETITION NO. 9679 OF 2023

PRATHMESH S/O. SANTOSH NILEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

....
Advocate for Petitioner : Mr. O.B. Boinwad
AGP for Respondents : Mr. S.G. Sangle
....

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

DATED : 07 AUGUST, 2023

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

1. Heard both the sides for final hearing at the admission stage.
2. The petitioner is taking exception to the judgment and order dated 01.08.2023, invalidating caste claim of the petitioner for 'Koli Mahadev' scheduled tribe. The petitioner is relying upon the validity certificates of his father Santosh, grandfather Bhujang and uncle Sanjay. The validity certificates were secured by following due procedure of law and, therefore, it is submitted that the petitioner is entitled to get validity certificate.
3. Learned AGP would support the impugned judgment and order. According to him, the Scrutiny Committee is justified in

rejecting the claim. The validity certificates were outcome of suppression of facts. The show cause notices are issued to the validity holders which are returnable on 29.08.2023.

4. Original file of Sanjay is also shown to us.

5. We notice that there was vigilance report in the matter of Sanjay father of the petitioner. By reasoned order dated 23.09.2005, the validity certificate was issued to Sanjay. The documentary evidence was considered. We find that by following due procedure of law father of Sanjay was issued with validity certificate which is worth relying.

7. We have also noticed old record of Ashok Tulshiram Nilewad, Vinayak Kondiba Nilewad , Dattatray Gunwantrao Nilewad, Bharat Dadarao Nilewad, Motiram Kishanrao Nilewad, disclosing caste as 'Mahadev Koli'. There is reply filed by the petitioner to the vigilance report which is also relevant to support his case.

8. In that view of the matter, the Scrutiny Committee has committed patent illegality in discarding the validity certificate and holding that the evidence on record is not compatible with caste claim.

The impugned judgment and order is unsustainable. Therefore, we pass following order :

ORDER

- i. The Writ Petition is partly allowed. The impugned order is quashed and set aside. The committee shall immediately issue tribe validity certificate by tomorrow to the petitioners as belonging to 'Koli Mahadev' scheduled tribe, which shall be subject to the decision to be taken by the committee in the reopened matters.
- ii. The respondent – Scrutiny Committee shall issue certificate of validity to the petitioner in the prescribed format without putting up any additional endorsement thereon.
- iii. Petitioner and his blood relations shall cooperate the Committee in early decision of the reopened matters.
- iv. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)